PAPERS

PRESENTED TO BOTH HOUSES OF PARLIAMENT

BY HIS MAJESTY'S COMMAND,

RELATING TO

SPAIN, FRANCE, AND PORTUGAL;

TO THE SLAVE TRADE

AND TO THE STATE OF IRELAND.

Session

4 *February* - - to - - 19 *July*,

1823.

VOL. XIX.

WITH

A GENERAL INDEX TO THE WHOLE.

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PAPERS

PRESENTED TO

Both Houses of Parliament,

BY COMMAND OF

HIS MAJESTY,

April 1823.

LONDON:

PRINTED BY R. G. CLARKE,

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Class A.

VERONA AND PARIS.

No. 1.

The Duke of Wellington to Mr. Secretary Canning.—Received September 24.

(Extract.) *Paris, September 21, 1822.*

I HAD a long discussion with Monsieur de Villèle yesterday, on the relations of this Government with Spain.

It appears, that for a considerable time past, I believe since the alarm of infectious fever in Spain, the French Government have been collecting troops in the southern departments of France. They have not, however, on the immediate frontier, a larger body of men than are sufficient for the performance of the duties of the "Cordon Sanitaire," so long as that precaution is necessary, in consequence of the prevalence of the fever in the neighbouring provinces of Spain; or than can fairly be deemed necessary for the purposes of Observation of a country which is the seat of a civil war, and for the protection of the French frontier from insult, by the different parties in operation immediately on the borders.

M. de Villèle said, that the assembly of the Congress at the present moment, was not a matter of indifference, in relation to the situation of affairs in Spain, or to that in which the two Countries stood towards each other. There was no doubt that expectations were formed respecting the result of the deliberations of the Congress on the affairs of Spain, as well in Spain as elsewhere; and that if the Congress were to separate, and to come to no decision on those affairs, it was probable that the existing evils would be greatly aggravated, and that the two countries might be forced into a War.

Monsieur de Villèle wished that the Congress should take into consideration the actual position of the French Government in relation to Spain, and the hypothesis under which they might be forced into a War; and that the four other Powers of the Alliance should declare what line they would each take, in case of the occurrence of any of the events which they conceived would force them to War. I told Monsieur de Villèle that it would be quite impossible for us to declare beforehand what would be our conduct upon any hypothetical case.

I should wish to receive His Majesty's Instructions what line I shall take, and what arguments I shall use, in case the French Government should make the proposition at the Congress, which M. de Villèle has made to me, respecting a declaration by the Allies.

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No. 2.

Mr. Secretary Canning to the Duke of Wellington.

(Extract.) *Foreign Office, September 27, 1822.*

IF there be a determined project to interfere by force or by menace in the present struggle in Spain, so convinced are His Majesty's Government of the uselessness and danger of any such interference—so objectionable does it appear to them in principle, as well as utterly impracticable in execution, that when the necessity arises, or (I would rather say) when the opportunity offers, I am to instruct your Grace at once frankly and peremptorily to declare, that to any such interference, come what may, His Majesty will not be a Party.

No. 3.

The Duke of Wellington to Mr. Secretary Canning.—Received October 31.

(Extract.) *Verona, October* 22, 1822.

WE had a conference on Sunday night, at which the French Minister, M. de Montmorency read a Paper of which I inclose a Copy.

I imagine that each of the Ministers will answer this Paper. In my answer, I shall review our line of conduct since April 1820; and shall decline to engage ourselves to adopt any measure beforehand, or till we shall have a full knowledge of all the circumstances which have occurred between the two countries. I propose, besides, to point out, that, considering the relative position of France and Spain, it is not probable that Spain will declare against them; if they explain, as they ought, the meaning and object of their Corps of Observation, and make some allowance for the state of effervescence of men's minds in Spain in a state of revolution and civil war.

(Inclosure in No. 3.)

Questions addressed by the French Plenipotentiary to the Plenipotentiaries of Austria, Russia, Prussia, and Great Britain.

à Vérone, le 20me Octobre 1822.

1. DANS le cas, où la France se verroit forcée de rappeler de Madrid le Ministre qu'Elle y a accrédité, et de rompre toute rélation diplomatique avec l'Espagne, les Hautes Cours seront-elles disposées à prendre une mesure semblable et à rappeler leurs propres Légations?

2. Si la guerre doit éclater entre la France et l'Espagne, sous quelle forme, et par quels actes, Les Hautes Puissances prêteront-Elles à la France l'appui moral qui doit donner à son action la force de l'Alliance, et inspirer un salutaire effroi aux Révolutionaires de tous les pays?

3. Quelle est enfin l'intention des Hautes Puissances, quant au fond et à la forme du secours matériel qu'Elles seroient disposées à donner à la France, dans le cas, où, sur sa demande, leur intervention active diviendrait nécessaire?

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(Translation of Inclosure in No. 3.)

Questions addressed by the French Plenipotentiary to the Plenipotentiaries of Austria, Prussia, Russia, and Great Britain.

Verona, October 20, 1822.

1. IN case France should find Herself under the necessity of recalling her Minister from Madrid, and of breaking off all diplomatick relations with Spain, will the High Courts be disposed to adopt the like measures, and to recall their respective Missions?

2. Should War break out between France and Spain, under what form and by what acts would the High Powers afford to France, that moral support which would give to Her measures the weight and authority of the Alliance, and inspire into a salutary dread the Revolutionists of all Countries?

3. What, in short, is the intention of the High Powers as to the extent and the form of the effective assistance, (*"secours matériel,"*) which They would be disposed to give to France, in case active Interference should, on her demand, become necessary.

No. 4

***The Duke of Wellington to Mr. Secretary Canning.—Received November* 14.**

(Extract.) *Verona, November* 5, 1822.

PRINCE METTERNICH called together a Conference of the five Cabinet Ministers on Wednesday evening, at which were delivered in answers to the Demands of the French Minister of the 20th ultimo, from the Russian, Austrian and Prussian Ministers; and that from myself, a Copy of which I inclose.

(Inclosure in No. 4.)

MEMORANDUM.

Answer of The Duke of Wellington to the Questions of the French Plenipotentiary.

Verona, October 30, 1822.

SINCE the month of April 1820, the British Government have availed themselves of every opportunity of recommending to His Majesty's Allies to abstain from all interference in the internal affairs of Spain.

Without adverting to those principles which His Majesty's Government must always consider the rule of their conduct, in relation to the internal affairs of other Countries, they considered that to whatever degree either the origin of the Spanish Revolution, the system then established, or the conduct of those who have since had the management of the internal affairs of Spain might be disapproved of, any amelioration which might be desired in the Spanish System, for the sake of Spain herself, ought to be sought for in mea-

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sures to be adopted in Spain, rather than abroad; and particularly in the confidence which the people should be taught to feel in the character and measures of the King.

They considered that an interference, with a view to assist the Monarch on the Throne, to overturn that which had been settled, and which he had guaranteed, or to promote the establishment of any other form of Government or Constitution, particularly by force, would only place that Monarch in a false position, and prevent him from looking to the internal means of amelioration which might be within his reach.

Such an interference always appeared to the British Government an unnecessary assumption of responsibility; which, considering all the circumstances, must expose the King of Spain to danger, and the Power or Powers which should interfere, to obloquy, certain risks, and possible disasters; to enormous expences, and final disappointment in producing any result.

Upon these principles His Majesty has advised His Allies, and has acted Himself, from the month of April 1820, to the present day.

The Protocols and other Acts of the Congress at Aix la Chapelle, which established the union at present existing between the Five Powers, so happily for the World, require the most unlimited confidence and communication on the part of each; and accordingly, His Majesty has never failed to communicate to His Allies, and particularly to France, every instruction which He has sent to his Minister at Madrid; and all the communications made by His Majesty's commands to the Minister of Spain residing in London:—all in the same spirit of good will towards the King of Spain and the Spanish Nation.

It is impossible to look at the existing relations between France and Spain, adverting to what has passed from the commencement of the year 1820, to the present moment, without being sensible of the unfortunately false position in which the King of Spain is placed; and that the spirit of party in both Countries, having aggravated the national antipathy which antecedent circumstances had occasioned, is in a great measure the cause of the unfortunate irritation in Spain against France, to which his Excellency the Minister of France has adverted. The great object of His Majesty's foreign Policy is to preserve Peace among Nations; He feels the most anxious interest for the happiness of His Catholick Majesty, and the honour of his Government; and it would be His sincere desire to allay that irritation.

But the British Government cannot but feel, that to make any declaration on any of the three points referred to by his Excellency, without a previous accurate knowledge of all the circumstances which have occurred between the two Countries, would be not only premature and unjust, but would probably be unavailing; and would in fact deprive His Majesty of the power of discussing and deciding upon the measures of His own Government in this affair hereafter, when he should be better informed. His Majesty must either place himself in this painful position, or He must do, what would be equally painful to his feelings, require from His august Friend and Ally the King of France, that he should submit his conduct to the advice and controul of His Majesty.

His Majesty's Government cannot think either alternative to be necessary; but are of opinion that a review of the obvious circumstances of the situation of France, as well as Spain, will show, that whatever may be the tone assumed towards France by the ruling Powers in Spain, they are not in a state to carry into execution any plan of real hostility.

Considering that a Civil War exists in the whole extent of the Frontier which separates the two Kingdoms; that hostile Armies are in movement and in operation in every part of it; and that there is not a town or village on the French Frontier which is not liable to insult and injury,—there is no

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person who must not approve of the precaution which His Most Christian Majesty has taken in forming a corps of Observation for the protection of his Frontier, and for the preservation of the tranquillity of his people.

His Britannick Majesty sincerely wishes that this measure may be effectual in attaining the objects for which it is calculated; and that the wisdom of the French Government will have induced them to explain it at Madrid, in such terms as will satisfy the Government of His Catholic Majesty of its necessity.

Such an explanation will, it is hoped, tend to allay in some degree the irritation against France; and, on the other hand, it may be hoped that some allowance will be made in France for the state of effervescence of men's minds in Spain, in the very crisis of a Revolution and Civil War.

A moment's reflection upon the relative power of the two States will show, that the real evil to which His Most Christian Majesty is exposed, is that resulting from the operations of the Civil War on the neighbouring frontier of Spain; against which the measure which His Government have adopted is best calculated to preserve Him.

Even revolutionary madness could not calculate upon the success of a serious attack by Spain upon France, under any circumstances which it is possible to suppose to exist at present in the latter Kingdom.—But the attention of the Spanish Government is now occupied by a Civil War, the operations of which certainly justify the formation of a Corps of Observation in France; and it is not very probable that they would, at this moment, desire to break with France.

Neither is it to be believed that, in their present situation, they would not desire still to enjoy the advantage of that countenance to their system, which the presence of the French Ambassador at the seat of Government must afford them.

His Majesty therefore considers any rupture by Spain, or any measure on Her part which may render necessary the immediate discontinuance of diplomatick relations by France, very improbable: and as His Majesty is quite unacquainted with what has passed between France and Spain since the month of April 1820; and His Government cannot know upon what grounds His Most Christian Majesty's Government may think proper to discontinue the diplomatick relations of France with Spain; or upon what grounds War may break out between the two countries; it is impossible for them now to pronounce what advice they should consider it their duty to give to His Majesty, in case either or both of those events should occur.

His Majesty most anxiously wishes that such extremities may be avoided; and he feels convinced that the Government of His Most Christian Majesty will find means of avoiding them.

No. 5.

The Duke of Wellington to Mr. Secretary Canning.—Received Nov. 21.

(Extract.) *Verona, November 12, 1822.*

I HAVE little to report as having occurred on the Spanish question, since I wrote to you on the 5th inst.

But I inclose to you a Memorandum on what is passing here, which I send to Sir Charles Stuart by this occasion.

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(Inclosure in No. 5.)

MEMORANDUM.

(Extract.) *Verona, November* 12, 1822.

ON the 20th of October, the French Minister gave in a Paper, requiring from the Ministers of the Allies to know, whether, if France should be under the necessity of withdrawing her Minister from Spain, the other Allied Powers would do the same? In case France should be involved in war with Spain, what countenance the Allies would give the former? And in case France should require it, what assistance?

To these questions the three Continental Allies answered on the 30th of October, that they would act as France should, in respect to their Ministers in Spain, and would give to France every countenance and assistance She should require;—the cause for such assistance, and the period and the mode of giving it, being reserved to be specified in a Treaty.

The Minister of Great Britain answered, that having no knowledge of the cause of dispute, and not being able to form a judgment upon an hypothetical case, he could give no answer to any of the questions.

The mode of communicating with Spain was considered on the 31st, with a view to prevent a rupture between France and Spain. It was agreed that the Minister of each of the Four Continental Courts at Madrid should present a separate Note of the same tenour, and drawn upon the same principles; and on the 1st of November it was settled, that the four Courts should draw up their Notes and communicate them to the British Minister; who should, upon seeing these Notes, make known the line which his Court would take.

Since that Meeting, it is understood that the plan of proceeding proposed and agreed to, has been altered. Instead of Official Notes to be presented by the several Ministers at Madrid to the Spanish Government, it is now intended that Despatches shall be written to those Ministers respectively, in which the several Courts will express their wishes and intentions: this mode of proceeding is adopted, as affording greater latitude for discussion and explanation than that by official Notes.

Accordingly Monsieur de Montmorency has prepared the draft of his despatch; and it is understood that the Ministers of the Continental Powers are preparing theirs.

These are the facts which have occurred at the existing Congress.

In the course of the discussions which have taken place upon this occasion, a marked difference of opinion as to the mode of action has appeared between the Continental Courts on the one hand, and England on the other.

The Minister of the latter Power has recommended that France, and the Powers which should interfere in this case, should confine themselves to what may properly be called the *external* quarrel between France and Spain; should not menace; and above all should not approach Spain in the form of enemies, bound in a Treaty of defensive Alliance against her.

No. 6.

The Duke of Wellington to Mr. Secretary Canning.—Received Dec. 6.

(Extract.) *Verona, November* 22, 1822.

I INCLOSE the Minute of the Answer which I returned to the Ministers of the Allies on the 20th inst. when they communicated to me the Despatches which they proposed to write to the Ministers of their several Courts at Madrid.

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MINUTE.

(*Inclosure in No. 6.*)

Verona, November 20, 1822.

WHEN the Ministers of the five Courts last assembled on the 1st instant, the object of their common solicitude was, to allay the irritation existing in Spain against France, and to prevent a possible rupture between the two Powers.

Although His Majesty's Government did not consider themselves sufficiently informed, either of what had already taken place between France and Spain, or of what might occasion a rupture, to be able to answer in the affirmative, the questions submitted to the Conference by his Excellency the Minister of France; yet, knowing the anxiety of the King, my Master, for the Honour of His Most Christian Majesty, and for the preservation of the Peace of the World, I was willing to enter into the consideration of the measures proposed, with a view to attain our common object.

It was settled, that the Notes to be prepared according to the proposition of his Highness the Austrian Minister, and to be presented to the Spanish Government on this occasion, should be communicated to me, in order that I might see, whether, consistently with the view which the King had invariably taken of the affairs of Spain, and with the principles which had governed His Majesty's conduct in relation to the internal concerns of other countries, His Majesty's Government could take any part which might forward the common purpose of preserving the general tranquillity.

The Ministers of the Allied Courts have thought proper to make known to Spain the sentiments of their respective Sovereigns, by Despatches addressed to the Ministers of their several Courts, residing at Madrid, instead of by Official Notes,—as a mode of communication less formal, and affording greater facility of discussion.

These Despatches, it appears, are to be communicated *in extenso* to the Spanish Government.

The origin, circumstances, and consequences of the Spanish Revolution,—the existing state of affairs in Spain,—and the conduct of those who have been at the head of the Spanish Government, may have endangered the safety of other Countries, and may have excited the uneasiness of the Governments, whose Ministers I am now addressing; and those Governments may think it necessary to address the Spanish Government upon the topicks referred to in these Despatches.

These sentiments and opinions have certainly been entertained by the three Cabinets of Austria, Prussia, and Russia, for a considerable period of time; and the British Government duly appreciates the forbearance and deference for the opinions of other Cabinets, which have dictated the delay to make these communications, to the present moment. But having been delayed till now, I would request those Ministers to consider, whether this is the moment at which such remonstrances ought to be made; whether they are calculated to allay the irritation against France, and to prevent a possible rupture; and whether they might not with advantage be delayed to a later period.

They are certainly calculated to irritate the Government of Spain; to afford ground for a belief, that advantage has been taken of the irritation existing between that Government and France, to call down upon Spain the power of the Alliance; and thus to embarrass still more the difficult position of the French Government.

The result of these communications will probably be, that the diplomatick relations between the three Allied Courts and Spain will be discontinued,—whatever may be the state of the Questions between France and Spain: this

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occurrence cannot assist the cause of France; as those Questions will stand upon their own ground, and the Government of France must decide them upon their own merits.

But these communications are not only calculated to embarrass the French Government, but likewise that of the King, my Master. His Majesty feels sincerely for the King and the People of Spain; He is anxious to see a termination of the evils and misfortunes by which that Country is afflicted; and that it should be prosperous and happy. His Majesty likewise earnestly desires, that the usual relations of amity and good neighbourhood may be re-established between France and Spain; and His Majesty's Government would have been anxious to co-operate with those of his Allies, in allaying the existing irritation, and in preventing a possible rupture.

But His Majesty's Government are of opinion, that to animadvert upon the internal transactions of an Independent State, unless such transactions affect the essential interests of His Majesty's subjects, is inconsistent with those principles on which His Majesty has invariably acted on all questions relating to the internal concerns of other Countries; that such animadversions, if made, must involve His Majesty in serious responsibility, if they should produce any effect; and must irritate, if they should not: and, if addressed, as proposed, to the Spanish Government, are likely to be injurious to the best interests of Spain, and to produce the worst consequences upon the probable discussions between that Country and France.

The King's Government must, therefore, decline to advise His Majesty to hold a common language with his Allies upon this occasion: and it is so necessary for His Majesty, not to be supposed to participate in a measure of this description, and calculated to produce such consequences, that his Government must equally refrain from advising His Majesty to direct, that any communication should be made to the Spanish Government, on the subject of its relations with France.

His Majesty, therefore, must limit his exertions and good offices, to the endeavours of his Minister at Madrid to allay the ferment which these communications must occasion, and to do all the good in his power.

No. 7.

Mr. Secretary Canning to the Duke of Wellington.

(Extract.) *Foreign Office, December 6, 1822.*

THE latest date of Your Grace's despatches from Verona is the 19th ultimo.

The French Mail due yesterday, has, from some unaccountable accident, failed to arrive; and we are left in an uncertainty, as to every thing that has passed at Verona for more than a fortnight. In this state of things, however difficult it may be to shape instructions to a case not ascertained, it has nevertheless been felt by his Majesty's advisers, that we should be wanting to our duty, if we did not submit to His Majesty the course which it would be expedient to pursue, in that which is understood to be the present situation of the question of Peace or War between France and Spain.

M. de Villèle has taken several opportunities of expressing to Sir Charles Stuart, his own earnest desire for the preservation of peace; and his wish to receive, not only the support but the advice of the British Government, in his endeavours to preserve it.

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I have the King's Commands to signify to your Grace His Majesty's pleasure, that your Grace should seek a conversation with M. de Villèle; and, after referring to his Excellency's communications through Sir Charles Stuart, should offer to that Minister the Mediation of His Majesty, between their Most Christian and Catholick Majesties.

It will not escape your Grace's observation, that in order to afford a prospect of success in our Mediation, if France should be willing to employ it, there should be some reasonable hope of a similar acceptance on the part of Spain.

I inclose to your Grace an Extract of a Despatch from the Spanish Government to its Chargé d'Affaires in London, which was read and delivered to me by M. de Colomb in a conference the day before yesterday.

The remaining part of the Despatch to M. de Colomb (with which I do not trouble your Grace on this occasion) relates to the questions pending between the two Governments, respecting commercial grievances, and the piracies in the West Indian Seas.

(Inclosure in No. 7.)

Extract of a Despatch addressed by Mons. de San Miguel, Minister for Foreign Affairs at Madrid, to the Chev. de Colomb, dated November 15, 1822.

[Communicated by Monsieur de Colomb to Mr. Secretary Canning Dec. 4, 1822.]

EL Gobierno de S. M. ha recibido con gratitud, pero sin sorpresa, la communicacion tambien verbal, relativa á que el Gabinete de S. M. B. respetando la independencia y las instituciones politicas adoptadas por la Nacion, se halla decidido á no mezclarse en nuestros negocios domesticos.

No podia esperarse otra cosa del Gob de una Nacion, que como la Britanica, conoce sus derechos y los principios primordiales del derecho publico; y solo debe admirar que no crea conveniente dar á una declaracion de tan obvia justicia la solemnidad que merece.

Los Lazos de intima inclinacion, los principios de mutua conveniencia y la analogia de las respectivas instituciones que median entre la España y la Inglaterra ¿no son titulos positivos para que la primera, abrumada de dificultades pueda esperar de la segunda, cuyo influxo politico es muy importante, algo mas que una simple y abstracta equidad, algo mas que un respeto impasible de Leyes universales, que una fria e insensible neutralidad? Y si algun interes tierno, qual el que es tan propio de dos Naciones en semejantes circunstancias, se abriga en la Corte de Londres, ¿como es que no se manifiesta en actos visibles de interposicion amical para impedir á su Aliada unos males, en que simpatizarán la humanidad, la ilustracion y hasta la precavida y preveedora razon de Estado, ó como (si esos actos benevolos existen) no se participan al Gabinete de S. M. Catolica?

Los actos á que aludo en nada comprometerian el sistema neutral mas estrictamente concebido, los buenos oficios, los consejos, las reflexiones de un amigo en favor de otro, no le constituyen en mancomunidad de agresion y defensa, no le exponen á la enemistad dela otra parte, ya que no merezcan

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tambien su reconocimiento, no son en una palabra auxilios efectivos, tropas, armas, subsidios que aumentan la fuerza de uno d los adversarios. De la razon solo se trata y con la pluma de la conciliacion ee como puede sostenerla una Potencia situada qual la Gran Bretaña sin exponerse á tomar parte en una guerra que acaso puede prevenir con utilidad general.

¿Puede obrar de tal suerte la Inglaterra? Debe pudiendo? y debiendo lo ha executado? En las sabias, justas y generosas miras del Gob.° de St. James no cabe mas respuesta que la afirmativa. ¿Pues entonces, porque no se noticia á la España lo que se ha hecho y loque se piensa hacer en aquel sentido mediador? Hay inconvenientes graves que recomienden la discrecion, que intimen el sigilo? . . . No aparecen á una perspicacia ordinaria. Como quiera en tal incertidumbre de lo que tiene que agradecer al Ministerio Britanico, el de S. M. C.ª se conceptua en la precision de manifestar á la faz del mundo para que el la estime su profesion de fé, que al paso que respeta los derechos de los demas, no consentira nunca la menor intervencion en sus asuntos interiores, ni hara transaccion que pueda comprometer un apice el libro exercicio de la Soberania Nacional.

Una vez communicadas por V. S. estas francas declaraciones al Muy honble. Jorge Canning, S. E. cuyos talentos, rectitud, elevacion de animo, son notorios a la Europa, no podra menos de hallarlas dignas de su asentimiento lisongero tanto en el fondo como en la forma, y de corresponder cordialmente al espiritu que las ha dictado, y bastará que V. S. termine su discurso recordando á S. E. que la España ha sido casi siempre victima de su probidad y buena fé en sus relaciones politicas, que su amistad ha sido y es util á los demas Naciones y sincera a toda prueba; que el Gob.° de S. M. desea conservar los vinculos amistosos que existen entre la España y la Inglaterra, pero sin menoscabo, sin degradacion de su decoro; y que si bien lucha con los embarazos que resultan de sus inmensas progresivas perdidas, el pueblo Español posee siempre sublimidad de sentimientos para conducirse con honor, fortaleza de caracter para suportar sus calamidades, y constancia de resolucion para mantenerse á costa de los ultimos sacrificios, en el puesto que le corresponde en la Europa.

(Translation.)

Extract of a Despatch addressed by M. San Miguel, Minister for Foreign Affairs at Madrid, to M. de Colomb, dated November 15, 1822.

THE Government of His Majesty has received with gratitude, but without surprise, the verbal communication, purporting that the Cabinet of His Britannick Majesty, respecting the independence and the political Institutions adopted by the [Spanish] Nation, is determined not to interfere in our domestick affairs.

Nothing else could be expected from the Government of a Nation which like the British, knows its rights and the primordial principles of Public Law; and it is only to be wondered at, that It should not think it expedient to give to a Declaration of such obvious justice the solemnity which it deserves.

The ties of intimate Regard, the principles of mutual Convenience and the analogy of the respective Institutions which exist in Spain and in England,—

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do they not positively entitle the former, overwhelmed with difficulties, to expect from the latter, whose political Influence is of the greatest weight, something more than simple and abstract justice,—something more than a passive respect for universal Laws, than a cold and insensible Neutrality? And if some tender Interest, such as befits two Nations in similar circumstances, exists in the Court of London, how is it that it does not manifest itself in visible acts of friendly interposition to save Its Ally from evils, in which humanity, wisdom and even cautious and provident State Policy will sympathize? Or how is it that (if these benevolent acts exist) they are not communicated to the Cabinet of His Catholick Majesty?

The acts to which I allude, would in no wise compromise the most strictly conceived system of Neutrality. Good Offices, Counsels, the reflections of one friend in favour of another, do not place a nation in concert of attack or defence with another,—do not expose it to the enmity of the opposite Party, even if they do not deserve its gratitude;—they are not (in a word) effective Aid, Troops, Arms, Subsidies, which augment the force of one of the contending Parties. It is of reason only that we are speaking, and it is with the pen of conciliation that a Power, situated like Great Britain, might support Spain, without exposing Herself to take part in a War, which She may perhaps prevent with general utility.

England might act in this manner; being able, ought She so to act? and if She ought, has she acted so? In the wise, just, and generous views of the Government of St. James, no other answer can exist than the affirmative. Why then does she not notify to Spain what has been done, and what it is proposed to do in that mediatory sense *(en aquel sentido mediador)*? Are there weighty inconveniences which enjoin discretion, which show the necessity of secresy? They do not appear to an ordinary penetration.

Nevertheless, in such uncertainty of what She has to thank the British Ministry for, the Government of His Catholick Majesty thinks itself bound to manifest, in the face of the World, in order that It may regard it as Its profession of Faith, that whilst it respects the Rights of others, It will never admit the least intervention in Its internal concerns, nor execute an Act which may compromise in the least the free exercise of National Sovereignty.

When once you shall have communicated these frank Declarations to the Right Honourable George Canning, his Excellency cannot do less than find them worthy of his flattering concurrence, as well in substance as in form, and must correspond cordially with the spirit which has dictated them; and it will be sufficient that you should terminate your discourse, by reminding his Excellency that Spain has been almost always, in Her political relations, the Victim of Her Probity and Good Faith; that Her friendship has been, and is useful to other Nations, and sincere under every trial; that the Government of His Majesty is desirous to preserve the friendly ties which exist between Spain and England, but without the diminution, without the degradation of Its dignity, and that, if it has to struggle with the embarrassments that result from Its immense progressive losses, the Spanish People always possesses sublimity of sentiment to conduct Itself with honour, strength of character to support Its calamities, and constancy of resolution to maintain Itself in spite of the last sacrifices, in the Post which belongs to Her in Europe.

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No. 8.

The Duke of Wellington to Mr. Secretary Canning.—Received December 11.

(Extract.) *Paris, December*, 9, 1822.

I ARRIVED here this afternoon, and received your Despatch of the 6th inst.

I have since had an interview with M. de Villèle; and I have the pleasure to inform you, that he has sent a Messenger to Verona with orders to the French Ministers at that place, to express the desire of the French Government, that the transmission of the Despatches to Madrid should be suspended.

No. 9.

Mr. Secretary Canning to the Duke of Wellington.

(Extract.) *Foreign Office, December* 13, 1822.

YOUR Grace's Despatches of Tuesday have been received and laid befo the King.

The step taken by M. de Villèle, in referring back to Verona the consideration of the Despatches proposed to be sent, by the three Continental Courts to their several Ministers at Madrid, with a view of inducing the three Courts to suspend the transmission of those Despatches, undoubtedly constituted a Case (wholly unforeseen when the last instructions of your Government were framed) which made it expedient to suspend, on your Grace's part, the offer to the French Government, of His Majesty's Mediation with Spain.

Upon a full review, however, of the situation in which we stand towards both those Powers, and towards the other members of the Alliance, and upon an anxious consideration of the several issues to which the question of Peace or War may come,—all those of His Majesty's Servants, whom I have been able to consult, are of opinion, that it is highly material, for the clear and perfect discharge of the duty of the British Government, in a question so deeply affecting the interests not only of the Powers immediately concerned, but of the World, that your Grace should not leave Paris, without having placed in the hands of the French Government the eventual offer of His Majesty's Mediation.

No. 10.

The Duke of Wellington to Mr. Secretary Canning.—Received December 22.

(Extract.) *Paris, December* 17, 1822.

I WAITED upon Monsieur de Montmorency this day, and presented to him the Note of which I inclose a copy.

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(Inclosure in No. 10.)

The Duke of Wellington to M. de Montmorency.

Paris, December 17, 1822.

THE Undersigned, His Britannic Majesty's Plenipotentiary, has explained and recorded, in the Conferences of Verona, the sentiments of his Government upon the present critical state of affairs between France and Spain; and the earnest solicitude of the King his Master, to avert a War of which no human foresight can calculate the consequences.

Upon his arrival at Paris, The Undersigned found instructions from his Government, to offer to his Most Christian Majesty the Mediation of the King his Master, before the decisive step should have been taken, of transmitting to Madrid the Despatches written at Verona.

The Undersigned rejoiced at the delay which had been interposed to the transmission of those Despatches to Madrid, by the reference to Verona; and his Government have learnt, with the liveliest satisfaction, the determination of the French Government to reconsider a measure which the Undersigned had so anxiously deprecated.

It is the sincere hope of His Majesty, that this salutary reconsideration may prevent recourse to arms. But, as the issue of the reference to Verona may still be doubtful, the Undersigned is instructed to declare, that, if the answer to that reference should not be such as to preclude all danger of hostilities, His Majesty will be ready to accept the Office of Mediator between the French and Spanish Governments; and to employ his most strenuous endeavours for the adjustment of their differences, and for the preservation of the Peace of the World.

The Undersigned, &c.
(Signed) WELLINGTON.

No. 11.

Note de M. le Duc de Montmorency à M. le Duc de Wellington, en date de Paris, le 26me Décembre 1822.

LE Soussigné, Ministre des Affaires Etrangères, a reçu et mis sous les yeux du Roi, la Note que Son Excellence Monsieur le Duc de Wellington lui a fait l'honneur de lui adresser le 17 de ce mois.

Sa Majesté a aprécié les sentimens qui ont porté le Roi d'Angleterre à lui offrir sa Médiation pour prévenir une rupture entre Elle et le Gouvernement Espagnol. Mais Elle a dû reconnoître que la situation de la France à l'égard de l'Espagne, n'était pas telle qu'il y eut lieu d'établir une Médiation entre les deux Cours. En effêt il n'existe entre Elles aucun différent, aucun point particulier de discussion, dont l'accommodement pût rétablir leurs rélations sur le pied où elles devraient être. L'Espagne, par la nature de sa Révolution, par les circonstances qui l'ont suivie, a excité l'inquiétude de plusieurs grandes Puissances. L'Angleterre l'a partagée cette inquiétude: car dès 1820 Elle prévoyait des Cas où l'on ne pourrait conserver avec l'Espagne des rapports de bonne intelligence et de paix.

La France est plus intéressée que toute autre Puissance, aux événemens qui pourront résulter de la situation actuelle de cette Monarchie. Mais ce ne

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sont point ses intérêts seuls qui sont compromis et qu'Elle peut avoir en vue dans la circonstance présente ; ce sont ceux du repos de l'Europe, et du maintien des principes qui le garantissent.

Monsieur le Duc de Wellington sait que tel a été le sentiment qui a dicté la conduite de la France à Vérone, et que les Cours qui y ont donné leur adhésion, ont régardé les conséquences de la Révolution et de l'état actuel de l'Espagne, comme leur étant communes ;—qu'elles n'ont pas eu l'idée que ce fut entre la France et l'Espagne seulement, qu'il y eut à régler les difficultés présentes ;—qu'elles ont pensé qu'il s'agissait d'une question *toute Européenne ;* et que c'est en conséquence de cette opinion, qu'ont été conçues et proposées les démarches qui devaient avoir pour but, d'amener, s'il est possible, une amélioration dans l'état d'un pays, si digne de l'intérêt de l'Europe ; démarches dont le succès eut été complétement assuré, si l'Angleterre eut crû pouvoir y concourir.

Sa Majesté très-Chrétienne, qui a dû péser mûrement ces considérations, a donc pensé qu'Elle ne pouvait accepter la Médiation que Sa Majesté Britannique a bien voulu lui proposer. Elle trouve toutefois avec plaisir dans cette proposition un gage nouveau des dispositions conciliantes du Gouvernement Anglais ; et Elle pense que, dans ces dispositions, Il peut rendre d'éminens services à l'Europe en faisant aussi passer au Gouvernement Espagnol des conseils qui, les amenant à des idées plus calmes, pouvaient influer heureusement sur sa position intérieure. Sa Majesté apprendrait avec la plus vive satisfaction le succès de ses efforts. Elle y verrait un gage d'espérance pour la conservation d'une Paix dont les Gouvernemens et les peuples de l'Europe doivent sentir vivement tout le prix.

Le Soussigné, &c.

(Signé) MONTMORENCY.

(Translation of No. 11.)

Note from the Duke of Montmorency to the Duke of Wellington, dated Paris the 26th December 1822.

THE Undersigned Minister for Foreign Affairs has received and laid before the King, the Note which his Excellency the Duke of Wellington did him the honour to address to him on the 17th of this month.

His Majesty has appreciated the sentiments which have induced the King of England to offer his Mediation to His Majesty, in order to prevent a rupture between Him and the Spanish Government. But His Majesty could not but feel that the situation of France with regard to Spain, was not of a nature to call for a Mediation between the two Courts. In fact, there exists no difference between them, no specifick point of discussion, by the arrangement of which their relations might be placed on the footing on which they ought to stand. Spain by the nature of her Revolution, and by the circumstances with which it has been attended has excited the apprehensions of several great Powers. England participated in these apprehensions ; for even in the year 1820, She foresaw cases, in which it would be impossible to preserve with Spain relations of Peace, and good Understanding.

France is more interested than any other Power in the events which may result from the actual situation of that Monarchy. But it is not Her own interests alone which are compromised, and which She must keep in view in the present circumstances :—the repose of Europe, and the maintenance of those principles by which it is guaranteed, are involved.

The Duke of Wellington knows that these are the sentiments which dictated the conduct of France at Verona ; and that the Courts which agreed in them

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regarded the consequences of the Revolution, and of the actual state of Spain as being common to them all; that they never entertained the idea that it was between France and Spain alone that the existing difficulties needed to be arranged; that they considered the question to be "*wholly European;*" and that it is in consequences of this opinion, that the measures which had for their object the bringing about if possible, an amelioration in the state of a Country so highly interesting to Europe, were conceived and proposed; —measures, the success of which would have been completely secured, if England had thought She could concur in them.

His Most Christian Majesty, who was bound to weigh these considerations maturely, has therefore thought that He could not accept the Mediation that His Britannick Majesty has been pleased to propose to Him. He sees, however, with pleasure in this proposition, a new pledge of the conciliatory disposition of the English Government; and He thinks that with such feelings, that Government may render essential service to Europe, by offering in the like manner to the Government of Spain, advice, which by leading them to entertain more calm views, might produce a happy influence on the internal situation of that Country.

His Majesty would learn, with the liveliest satisfaction, the success of such efforts. He would see in it a firm ground to hope for the preservation of a Peace, of the great value of which, the Governments and the People of Europe cannot but be deeply sensible.

The Undersigned eagerly embraces the opportunity of renewing to his Excellency the Duke of Wellington the assurances of his high consideration.

The Undersigned &c.

(Signed) MONTMORENCY.

No. 12.

Mr. Secretary Canning to the Vicomte de Marcellus.

Foreign Office, January 10, 1823.

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, has received from the Duke of Wellington, late His Majesty's Plenipotentiary at the Congress of Verona, and has laid before the King his Master, the answer of the Minister for Foreign Affairs of His Most Christian Majesty, to the Official Note in which the Duke of Wellington, on his return from Verona, tendered to the French Government the Mediation of the King, for the adjustment of differences between France and Spain.

The Undersigned is commanded to address to M. de Marcellus, Chargé d'Affaires of His Most Christian Majesty, the following observations on the Note of His Excellency the Duke de Montmorency, to be transmitted by M. de Marcellus to his Court.

The King has seen with pleasure, that His Most Christian Majesty does justice to the sentiments which dictated the offer of His Majesty's Mediation: and although the view which is taken in M. de Montmorency's Note, of the nature of the differences between the French and Spanish Governments, has induced His Most Christian Majesty to decline that Mediation, the King will not the less anxiously employ, in every way that is yet open to Him, those "conciliatory dispositions" for which His Most Christian Majesty gives Him credit, to bring about a state of things less menacing to the peace of Europe, than that which is exhibited in the present position of those two Governments towards each other.

The British Cabinet had not to learn how fearfully the tranquillity of all Europe must be affected by the hostile collision of France and Spain. Ac

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cordingly, in the Duke of Wellington's Official Note, the "adjustment" of the supposed "differences between the French and Spanish Governments," was stated as auxiliary to "the preservation of the Peace of the World." But the British Cabinet certainly did not understand the Questions brought forward at Verona, by the Plenipotentiary of His Most Christian Majesty, with respect to the actual situation and possible conduct of Spain, to be Questions in which the concern of France was so little distinguishable from that of other Powers, as the Duke de Montmorency's note represents it.

The Plenipotentiary of the King of France solicited from His Most Christian Majesty's Allies a declaration:

1st. Whether, if France should find herself obliged to recall her Minister from Madrid, and to break off all diplomatick relations with Spain, they would be disposed to take the like measure, and to recal their several Legations?

2d. If war should break out between France and Spain, in what form, and by what acts, would they afford to France that moral support, which would give to her proceedings the whole force of the Alliance, and would inspire a salutary fear into the revolutionists of all countries?

3d. What were the intentions of the several Powers, both as to the substance and the form of the direct assistance which they would be disposed to give to France, in a Case in which, upon her demand, their active intervention should become necessary?

France, therefore, originated the discussions upon Spanish affairs at Verona; and the answers of the three Continental Members of the Alliance were addressed to the cases supposed, and to the support demanded, by France.

In common with the three Continental Powers, the Plenipotentiary of His Majesty considered the Question of Peace or War with Spain, as a Question peculiarly French. In his answer (given in simultaneously with those of the three Continental Powers) to the queries of the French Plenipotentiary, and in all the discussions which followed thereupon, the Duke of Wellington uniformly alleged, as one of his reasons for not assenting to the propositions of M. de Montmorency, the ignorance of the British Government as to the antecedent transactions and communications (during the last two years) between the Governments of France and Spain.

No objection was stated by the Duke of Wellington, on the part of the King his Master, to the precautionary measures of France, within her own frontier; measures which the right of self-defence plainly authorized, not only against the danger of contagious disease (in which they professedly originated, and to which till the month of September they were exclusively ascribed), but against those inconveniences which might possibly arise to France from civil contest in a country separated from France only by a conventional line of demarcation; against the moral infection of political intrigue, and against the violation of French Territory by occasional military incursions. But it appeared to His Majesty's Plenipotentiary at Verona to be necessary and just, that, before he was called upon to promise eventually the support of his Government to measures on the part of France which were likely to lead to War with Spain, opportunity should have been allowed to his Government to examine the grounds of those measures;—that the cause of offence given by Spain to France should have been specifically defined.

It was therefore impossible for His Majesty's Plenipotentiary to "concur" in the decisions of Verona.

It remains for the Undersigned to advert to that part of the French Official Note, which appears to insinuate a reproach against this Country, as if she had abandoned at Verona, opinions which she had formerly declared with respect to the affairs of Spain.

"England," it is said, "partook in 1820 of the inquietude which the Revolution in Spain occasioned to many great Powers; She foresaw Cases in

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"which it might be impossible to preserve with Spain the relations of good "intelligence and peace."

The Undersigned must be permitted to say, that though questions were indeed propounded to England in the year 1820, as to possible future contingencies in the affairs of Spain, so far from "foreseeing cases," and deciding upon the conduct which would be applicable to them, in the manner here described, the British Government positively declined to bind itself, by a contingent opinion, to any conditional course of action.

But there was no indisposition or hesitation to avow the principles upon which the opinion of England would be formed, and her course of action regulated. It was not only declared that the British Government disclaimed any general right of interference in the internal concerns of independent Nations; but it was specifically stated, that there was perhaps no Country of equal magnitude with Spain whose internal disturbances would be so little likely to menace other States with that direct and imminent danger, which could alone, in exception to the general rule, justify Foreign Interference.

The application of these principles to the Cases brought forward by France at Verona, was as direct, as it was consistent with the former professions of the British Cabinet.—That application was further enforced by other considerations, which, though they had not perhaps been distinctly anticipated in a prospective and hypothetical argument, bore nevertheless with undeniable force upon the question to be decided at Verona.

Dangers not necessarily arising from the existence of the internal agitations of Spain, might nevertheless be created by an uncalled for and injudicious interposition in them. The spirit of Revolution, which, shut up within the Pyrennees, might exhaust itself in struggles, trying indeed to Spain but harmless to her neighbours, if called forth from within those precincts by the provocation of foreign attack, might find perhaps in other Countries fresh aliment for its fury; and might renew throughout Europe, the miseries of the five and twenty years which preceded the peace of 1815.

For these and abundant other reasons, the voice of His Majesty's Plenipotentiary at Verona was for Peace.—The preservation of general Peace is the earnest wish and object of His Majesty: And the Undersigned is commanded to repeat, that no means will be left unexhausted by His Majesty's Government, which the impartial employment of Good Offices can afford, to soothe the irritation at present unhappily subsisting between the Governments of France and Spain, and to prevent, if possible, the commencement of hostilities, the consequences of which no human foresight can calculate.

The Undersigned, &c.

(Signed) GEORGE CANNING.

No 13.

The Viscount de Chateaubriand to Mr. Secretary Canning.—Received January 27.

Paris, January 23, 1823.

LE Soussigné, Ministre des Affaires Etrangères de Sa Majesté Très Chrétienne, a mis sous les yeux du Roi, la note en date du 10 de ce mois, que Son Excellence Monsieur le Principal Secrétaire d'Etat des Affaires Etrangéres de Sa Majesté Britannique, avoit adressée à M. le Vicomte de Marcellus. Il a reçu l'ordre de faire à Son Excellence la communication suivante.

Le cabinet de Sa Majesté Britannique tomberait dans une grave erreur, s'il pensait que la France a présenté au Congrès de Vérone, la Question d'Espagne comme ayant pour Elle un intérêt entiérement séparé de celui des Puissances Alliés; que dès-lors Elle se trouve en contradiction, quand, dans Sa réponse à

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la proposition de Médiation faite par l'Angleterre, Elle établit que cette Question est " *tout Européenne.*"

La France, depuis les transactions d'Aix la Chapelle, est étroitement unie aux Cours, qui, par leurs efforts, ont rétabli la paix sur le Continent. Pénétrée de la sainteté des Traités, elle accomplira les devoirs qu'ils lui imposent. Un de ces devoirs de la France, était de faire connaître à Ses Alliés les motifs qui l'avaient forcée à établir une Armée d'Observation sur une de ses frontières ; et de leur expliquer ses inquiétudes, sur un avenir dont il était aisé de calculer les chances. Dans la position où les troubles de l'Espagne l'avaient placée, la plus simple prévoyance l'obligeait de s'enquérir du parti que prendraient les Puissances au cas que la guerre devint inévitable. Cette marche, qu'indiquaient le bon sens et la raison, dut être suivie nécessairement par le Duc Matthieu de Montmorency à Vérone. Les Souverains pensèrent (et le Gouvernement François partagea leur opinion) qu'il y avait peril imminent pour la société dans cette anarchie militaire de l'Espagne, où se trouvaient reproduits ces principes, qui, pendant trentes années, ont fait les malheurs de l'Europe. De ces conférences générales, sortirent naturellement des Questions particulières ; et l'on spécialisa des Cas qui étaient d'abord enveloppés dans les intérêts communs.

Le résultat de ces communications loyales fut que la France se trouva en mesure d'agir séparément dans une cause qui lui était comme appropriée, sans toutefois isoler sa politique de celle de Ses Alliés ; de sorte que, selon la manière dont on était frappé, on a pu dire, sans contradiction, que la Question de l'Espagne était à la fois " *toute Française et toute Européenne.*"

Le Soussigné, se flattant d'avoir suffisammemt répondu à la première objection du Ministre Secrétaire d'Etat des Affaires Etrangères de Sa Majesté Britannique, passe à l'examen d'un autre point.

Le Cabinet des Tuileries n'a point oublié, que le principal motif allégué par Sa Grace le Duc de Wellington à Vérone, pour ne point s'expliquer sur le *casus fœderis*, était l'ignorance où se trouvait son Gouvernement des transactions qui avaient eu lieu entre la France et l'Espagne, depuis 1820 jusqu'en 1822. Cette objection fût écartée au Congrès, comme elle le sera ici, par la seule observation, que les griefs dont la France pouvait avoir à se plaindre, au sujet de la Révolution d'Espagne, étaient malheureusement de notoriété publique ; et c'est ce que le Soussigné aura occasion de développer dans la suite de cette note.

Le Ministre des Affaires Etrangères de Sa Majesté Britannique, répondant à une observation contenue dans la note de M. le Duc de Montmorency, en date du 24 Décembre, annonce que le Cabinet de St. James n'a jamais reconnu un cas d'intervention dans les affaires de l'Espagne ; et qu'ainsi il a pu refuser de se lier pour l'avenir, en émettant une opinion sur des événemens conditionnels et incertains. Le Soussigné croit cependant avoir des motifs de ne pas douter, que, dans un Mémoire rédigé par le Cabinet de Londres, en réponse à une dépêche de la Cour de Russie, et communiqué le 17 Mai, 1820, par Sir Charles Stuart au Ministre des Affaires Etrangères de France, se trouvait énoncée l'opinion qu'on aurait le droit de se mêler des affaires d'Espagne ; 1° Si l'éxaltation de ceux qui dirigent les affaires, les portait à une aggression contre une autre Puissance. 2° Si l'Espagne cherchoit à s'emparer du Portugal, ou à opérer une réunion des deux Etats. Cette opinion du Cabinet Britannique parut alors aussi conforme aux intérêts généraux de l'Europe, qu'à des intérêts particuliers, dont il est permis à tout Gouvernement de ne pas abandonner le soin.

Le Soussigné regrette de ne pouvoir partager l'opinion du Principal Secrétaire d'Etat des Affaires Etrangères de Sa Majesté Britannique, sur le peu de danger dont la révolution d'Espagne est pour les divers pays de l'Europe. L'état de la civilisation moderne, mêt un peuple en communication avec tous les autres peuples, quelque soit d'ailleurs son isolement géographique. La France sûrtout, seul pays dont la frontière touche à celle de l'Espagne, souffre considéra-

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blement des troubles qui agitent le Royaume de Ferdinand. Une Révolution qui semble avoir pris pour modèle celle dont les traces ne sont point encore effacées, reveille et remue, dan le sein de la France, une foule de passions et de souvenirs. On a les preuves les plus multipliées, que les révolutionnaires de l'Espagne et ceux de la France sont en rélations intimes. Dans toutes les conspirations militaires, jugées par les tribunaux Français, on a constamment retrouvé le nom et l'espérance des Cortès. Les coupables, échappés à la justice, ont trouvé un asyle dans la Péninsule, où ils menacent et insultent avec impunité la Monarchie et le Trône des Bourbous. Des libelles écrits en Français et emprimés en Espagne, sont jettés dans l'Armée d'Observation pour la corrompre; et jusques dans les journaux Anglais, le Gouvernement Britannique a pû voir que l'on provoquait, au nom de l'Espagne, nos Soldats à la révolte. Ces faits ont été implicitement reconnus par Sa Grace le Duc de Wellington, lorsque, dans ses Notes Diplomatiques, il a donné son approbation à l'établissement de l'Armée d'Observation. La Note même, à laquelle le Soussigné a l'honneur de répondre en ce moment, confirme tout ce qu'il avance ici, en rapportant ces expressions du noble Duc: " Le Duc de Wellington n'a point " établi d'objection, au nom du Roi son maître, contre les mesures de précaution " prises par la France sur ses propres frontières, lorsque ces mesures étaient " évidemment autorisées par le droit de sa propre défense, non seulement con- " tre les dangers sanitaires, mais encore la contagion morale des intrigues poli- " tiques; enfin contre la violation du territoire Français par des excursions " militaires fortuites." Cet aveu est remarquable: et d'ailleurs le Piémont, le Royaume des deux Siciles, ne se sont ils pas soulevés au nom des Cortes? Et faudrait il d'autre preuve que la Révolution d'Espagne peut franchir les Pyrenées?

Il est done permis à la France de se défendre contre la *contagion morale:* il lui est également nécessaire de se mettre à l'abri des dangers d'une autre sorte, puisque le territoire Français a été violé trois fois par les Troupes Constitutionnelles de l'Espagne. Que la France, inquiétée dans son intérieur, et armée sur ses frontières pour sa défense, ait un besoin impérieux de sortir d'une position si pénible pour elle, c'est ce qu'on ne peut s'empêcher de reconnaître. Comme le Gouvernement Britannique, elle désire sincèrement la paix. Elle n'eut pas balancé, de concert avec Ses Alliés, à accepter la médiation de l'Angleterre, s'il s'était agi de discuter des intérets matériels; mais on ne peut établir une base de négociation sur des théories politiques, et un arbitrage sur des principes.

Pour la meme raison, la France n'a pu adopter la proposition que M. de San Miguel a faite, le 12me de ce mois, au Ministre de la Grande Bretagne près la Cour de Madrid, afin de l'engager à intervenir dans les affaires du Gouvernement Français et du Gouvernement Espagnol:—intervention au moins inutile, puisqu'il paraît qu'elle n'aurait eu pour objet que des mesures rélatives à l'Armée d'Observation. Si le Cabinet de Madrid est de bonne foi dans ses communications, a-t-il besoin d'intermédiaire pour les faire parvenir au Cabinet des Tuileries? Celui-ci ne craint pas de s'expliquer; dernièrement encore, il a fait connoître les conditions raisonnables, au moyen des-quelles on pourrait arriver à une prompte conciliation. Le Comte de la Garde a reçu l'ordre de faire part confidentiellement à Sir William à Court, des intentions bienviellantes du Roi. Sa Majesté Très Chrétienne démande que Sa Majesté Catholique puisse apporter, Elle-même et de Sa propre autorité, les modifications nécessaires aux institutions qui ont été imposées par la révolte de quelques soldats, à la Couronne d'Espagne. A cette concession libre des institutions rectifiées par le Roi Ferdinand, le Roi de France pense qu'il serait bon d'ajouter une amnestie pleine *et* entière, pour tout acte politique fait depuis 1822, jusqu'au jour de promulgation de la Concession Royale. Ainsi disparaîtrait de la Constitution Espagnole, le vice de fond et de forme, qui met en péril toutes les Monarchies Légitimes. Le Soussigné ose croire que des propositions si justes et si modérées obtiendront l'assentiment de tous les Cabinets de l'Europe.

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Le Gouvernement Français ayant fait, au désir d'éviter la guerre, tous les genres de sacrifice; ayant peut-être trop longtems lutté contre l'opinion publique, soulevée par les provocations de l'Espagne,—le Gouvernement Français est arrivé à cette dernière limite de concessions, qu'aucun Pouvoir qui se respecte, ne peut impunément dépasser. Blessée dans ses intérêts essentiels, la France ne peut plus fermer les yeux sur les dangers qui La menacent, sans cesser de faire les vœux les plus ardents pour la paix. Elle a déjà pris, et continuera de prendre, les mesures propres à mettre fin à un état d'incertitude qui compromêt à la fois Sa surête, Son honneur, et Sa dignité. Quelque soit l'évènement, la France aimera toujours à compter sur les Bons Offices dont le Gouvernement Anglais veut bien lui renouveller la proposition. Elle mettra Elle-même tous ses soins á resserrer les liens qui unissent si heureusement les deux Monarchies et les deux Peuples.

(Signé) CHATEAUBRIAND.

(Translation of No. 13.)

The Viscount de Chateaubriand to Mr. Secretary Canning.—Received January 27.

Paris, January 23, 1823.

THE Undersigned Minister for Foreign Affairs, of His Most Christian Majesty, has laid before the King, the Note, dated the 10th of this Month, which His Excellency, the Principal Secretary of State for Foreign Affairs, of His Britannick Majesty, has addressed to Viscount Marcellus.

He has been commanded to make the following communication to his Excellency.

The Cabinet of His Britannick Majesty would fall into a serious error, if it imagined that France had represented to the Congress of Verona, the question of Spain, as having for her an interest entirely separate from that of the Allied Powers;—that, consequently She is inconsistent when, in Her answer to the proposition of Mediation made by England, She maintains that that question is "wholly European."

France, since the transactions of Aix-la-Chapelle, is closely united with the Courts, who, by their efforts, have re-established Peace upon the Continent. Deeply impressed with the sacred obligation of Treaties, She will fulfil the duties which they impose upon Her:—One of the duties thus required of France was, to make known to Her Allies, the motives which had compelled Her to establish an Army of Observation on one of Her frontiers, and to explain her uneasiness on approaching events, of which it was easy to calculate the chances. In the position in which the agitations in Spain had placed Her, common prudence required that She should make Herself acquainted with the part which the Allied Powers would take, in the event of War becoming inevitable.

This line of conduct, which good sense and reason pointed out, the Duke de Montmorency was bound to follow at Verona. The Sovereigns were of opinion (in which the French Government coincided,) that there was imminent danger to society, in that military Anarchy in Spain, in which those principles were put forth anew, which, during thirty years, had occasioned the misfortunes of Europe. From these general conferences, particular questions naturally arose; and cases which were originally involved in the general interests, became the subject of specifick discussion.

The result of these frank communications was, that France found Herself placed in a position to act separately in a cause which was, as it were, appro-

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priated to Her, without, however, separating Her policy from that of Her Allies; so that, according to the impression which the case conveyed, it might be said, without fear of contradiction, that the question respecting Spain was at once "*wholly French, and wholly European.*"

The Undersigned, flattering himself that he has given a satisfactory answer to the first objection of His Britannick Majesty's Principal Secretary of State for Foreign Affairs, proceeds to the consideration of another point.

The Cabinet of the Tuilleries have not forgotten, that the principal motive alleged by his Grace the Duke of Wellington at Verona, for not explaining himself upon the *casus foederis*, was, the ignorance of his Government of the transactions which had taken place between France and Spain, from 1820 to 1822. That objection was removed at the Congress, as it will be here, by the single observation, that the grievances of which France might have to complain, on the subject of the Spanish Revolution, were unfortunately of publick notoriety; and this is what the Undersigned will have occasion to develope in the course of this Note.

The Minister for Foreign Affairs of His Britannick Majesty, in reply to an observation contained in the Note of M. le Duc de Montmorency, dated the 24th December, states, that the Cabinet of St. James's has never admitted that there was a case to justify Intervention in the Affairs of Spain; and that therefore it might refuse to bind itself for the future by expressing an opinion upon contingent and uncertain events. The Undersigned thinks, however, that he has reasons for not doubting that in a *Mémoire* drawn up by the Cabinet of London, in answer to a despatch of the Court of Russia, and communicated on the 17th May 1820, by Sir Charles Stuart to the French Minister for Foreign Affairs, an opinion is pronounced that an interference in the Affairs of Spain would be justifiable,—1st. If the violence of the persons in power led them to an attack against any other States: 2d. If Spain attempted to possess Herself of Portugal, or to affect a re-union of the Two States.—This opinion of the British Cabinet appeared at the time as conformable with the general interests of Europe, as with particular Interests, to the care of which every Government has an acknowledged right to attend.

The Undersigned regrets that he cannot coincide in opinion with His Britannick Majesty's Principal Secretary of State for Foreign Affairs, as to the little danger to which the Spanish Revolution exposes the other Powers of Europe. The state of modern civilization brings one nation into communication with all others, however completely it may be insulated by geographical position. France especially, the only Country whose frontier touches that of Spain, suffers considerably from the troubles which agitate the Kingdom of Ferdinand.—A Revolution which seems to have taken for its model, that of which the traces are not yet effaced, awakens and agitates in the bosom of France a host of passions and recollections.—Innumerable proofs exist that the Revolutionists of Spain and of France are in close connection; in all the military conspiracies tried by the French Tribunals, the name and the hope of the Cortes have invariably appeared. Offenders escaped from justice have found an asylum in the Peninsula, where they menace and insult with impunity, the Monarchy and the Throne of the Bourbons.—Libels written in French and printed in Spain, are scattered abroad amongst the Army of Observation, for the purpose of corrupting it.—And even in the English papers the British Government has seen that our soldiers were excited to revolt in the name of Spain.—These facts were admitted by implication by his Grace the Duke of Wellington, when, in his diplomatick notes he extended his approbation to the establishment of the Army of Observation. The very note to which the Undersigned has now the honour to reply, confirms all that he here advances, in citing the following expressions of the noble Duke.—"The "Duke of Wellington made no objection in the name of the King his "Master, to the precautionary measures taken by France on her own frontiers,

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"whilst these measures were evidently authorized by the right of defending "Herself, not only against the dangers of infectious disease, but also against "the moral contagion of political intrigue; and finally, against the violation "of the French territory by casual military incursions."—This admission is remarkable, and besides, did not Piedmont and the Kingdom of the Two Sicilies rise in the name of the Cortes? and is any other proof required, that the Spanish Revolution may pass the limits of the Pyrennees? France then has the right to defend herself against *moral contagion*. It is equally necessary for Her to secure herself against dangers of another sort, since the French territory has been thrice violated by the Constitutional troops of Spain.

That France, disquieted in her interior, and armed on her frontiers for her defence, should be under an imperious necessity to escape from a position so painful to Her, is what it is impossible not to acknowledge. Like the British Government, She sincerely desires Peace. She would not have hesitated, in concert with her Allies, to accept the Mediation of England, if the discussion of specifick Interest were in question; but it is impossible to establish a basis of negotiation upon political theories, and of arbitration upon principles.

For the same reason France could not accede to the proposal which M. de San Miguel made on the 12th of this month, to the Minister of Great Britain at the Court of Madrid, in order to engage that Power to interfere in the Affairs of the French and Spanish Governments—an intervention useless, at the least, since it appears that it would have no other object than measures relative to the Army of Observation.

If the Cabinet of Madrid is sincere in its communications, does it need an intermediate channel to transmit them to the Cabinet of the Tuilleries? The latter does not fear to explain itself. Even recently It has made known the reasonable conditions, by means of which a speedy reconciliation might be effected.

The Comte de la Garde has received orders to communicate confidentially to Sir William A'Court the King's benevolent intentions. His Most Christian Majesty demands, that His Catholick Majesty should, of Himself, and by His own Authority, apply the necessary Modifications to the Institutions which have been imposed on the Crown of Spain by the revolt of a few soldiers.

To this free Concession by King Ferdinand, of the corrected Institutions, the King of France thinks that it would be proper to add, a full and complete Amnesty, for all political Acts committed from 1822, up to the day of promulgating the Royal Concession.—Thus would disappear from the Spanish Constitution, the defects, in substance and in form, which endanger all legitimate Monarchies. The Undersigned feels persuaded, that propositions so just and so moderate will obtain the concurrence of all the Cabinets of Europe.

The French Government having made every sort of sacrifice to the desire of avoiding War; having struggled, perhaps, too long, against publick opinion, roused by the Provocations of Spain,—has at length reached that last limit of Concession which no Power, that respects itself, can with impunity over-step. Injured in Her essential Interests, France, without ceasing to offer the most ardent prayers for Peace, can no longer shut Her eyes to the dangers which threaten Her. She has already taken, and She will continue to take, the measures best calculated for puting an end to a state of uncertainty, which compromises alike her Safety, her Honour, and her Dignity. Whatever may be the event, France will always have pleasure in relying on the good offices of which the English Government has again been pleased to renew to Her the proposal. She will Herself use her utmost endeavour to draw closer the ties which so happily unite the Two Monarchies and the Two People.

(Signed) CHATEAUBRIAND.

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No. 14.

Mr. Secretary Canning to Sir Charles Stuart.

SIR, *Foreign Office, January 28, 1823.*

SHORTLY after I had dispatched the Messenger yesterday, M. de Marcellus delivered to me the Official Answer of M. de Chateaubriand to the Note addressed by me to M. de Marcellus on the 10th instant.

As it appears from your Excellency's Despatch of the 24th, which also reached me yesterday, that M. de Chateaubriand, though he stated to your Excellency the substance of this Note, had not furnished you with a copy of it, I think it right to inclose a copy for your information.

Upon a first consideration, I am by no means sure that it will be necessary to reply officially to this Note of M. de Chateaubriand; since it in effect admits all the material propositions of the Note to which it is an answer.

The Questions brought forward by France at Verona are acknowledged to have been *French* Questions, in the sense in which they are in my Note described to have been such; that is to say, the interest of France is stated in those Questions not as distinct from the interest of Europe, but as more immediate:—and it is not denied that the refusal of His Majesty's Plenipotentiary to concur in the decisions of Verona, was founded on the omission by France to substantiate any specifick ground of complaint against the Spanish Government.

In the subsequent part of M. de Chateaubriand's Note, while the assertion of my Note of the 10th instant,—that Great Britain had in 1820 declined anticipating hypothetical Cases in which it might be impossible to remain at peace with Spain,—is disputed; the only two Cases which are cited in exception to that assertion, are Cases wholly independent of the principle of interference in the internal Concerns of other Nations.

It is averred, that we admitted the necessity of War against Spain; first, if Spain herself should be guilty of aggression against other States, and secondly and specifically, if she should attempt to possess Herself of Portugal.

Unquestionably, with respect to either of those Cases, Great Britain would admit, not only prospectively and hypothetically, and as to Spain, but positively and directly as to any Power whatever, that aggression against any of its neighbours would justify War; and that aggression against Portugal would impose upon Great Britain the duty of protecting Her Ally.

But these admissions leave the question as to the right of interference in the affairs of Spain, where it was.

With respect to that part of M. de Chateaubriand's Note which describes the nature of the demands intended to be made by France upon Spain, and takes credit for the moderation of them; your Excellency will not fail to observe, that our difference with France and the Allies throughout, is not as to the arrangements which it might be desirable to obtain from Spain, but as to the principle upon which France and the Allies propose to require them.

We disclaim for ourselves, and deny for other Powers, the right of requiring any changes in the internal institutions of Independent States, with the menace of hostile attack in case of refusal. The moderation of such demands in no degree justifies in our eyes such a mode of enforcing them; and this distinction it is the more important to keep steadily in view, and to impress upon the French Government, at a moment when, for their sake and at their desire, we are suggesting to Spain, in a tone of friendly counsel, alterations similar to those which France is proposing as the alternative of hostilities.

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Your Excellency will speak in this sense to M. de Chateaubriand, when you acknowledge on my part the receipt of his Official Note; from the general tone of which, and from the friendliness of its expressions towards this Country, you will inform M. de Chateaubriand that His Majesty's Government derives the liveliest satisfaction; at the same time that It views with deep regret the tendency of that part of the Note which appears to indicate an expectation of hostilities with Spain.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency the Rt. Hon. Sir Charles Stuart, G. C. B.
&c. &c. &.

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Class B.

PARIS AND MADRID.

No. 1.

Mr. Secretary Canning to Sir William à Court.

Foreign Office, December 3, 1822.

(Extract.)

In order that you may be fully informed of the manner in which the Question of Interference in the affairs of Spain has been treated at the Conferences at Verona, I have directed Copies of the principal Communications received from the Duke of Wellington on that question, to be prepared for you; and I herewith transmit them to you for your information.

No. 2.

Mr. Secretary Canning to Sir William à Court.

Foreign Office, December 9, 1822.

(Extract.)

On the day after I had despatched my last messenger to you, M. de Colomb, the Spanish Chargé d'Affaires, requested a Conference; at which he first read, and then delivered to me, the Extract of a Despatch from his Court, of which I inclose a Copy. *

* See the Inclosure in No. 7, of Verona and Paris Papers.

No. 3.

Mr. Secretary Canning to Sir William à Court.

Foreign Office, December 9, 1822.

(Extract.)

I have received this morning, the Duke of Wellington's final dispatches from Verona.

No argument will be left unemployed on the part of His Majesty, which

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may tend to allay a warlike disposition in His Most Christian Majesty's Councils. His Majesty's Mediation between France and Spain, if solicited by Spain and accepted by France, would be gladly given and earnestly exerted, to settle the disputes between those Powers, and to preserve the Peace of the World.

If Spain be disposed to solicit that Mediation, She will entitle Herself to it, first, by redressing our grievances,—and secondly, by a confidential and spontaneous Assurance, that His Catholic Majesty and His Family are altogether safe from violence.

Upon this latter point, it is not intended that you should make any direct demand to the Spanish Government. It could not properly find its place in a diplomatick communication to the Minister of His Catholick Majesty. But M. San Miguel may be easily led to understand, how important an aid would be afforded to any Interposition of ours in behalf of Spain, if We could accompany it with the declaration of our entire conviction, that on this point Europe has nothing to fear.

No. 4.

Mr. Secretary Canning to Sir William à Court.

(Extract.) *Foreign Office, December* 17, 1822.

I TRANSMIT to you an Extract * of a Despatch which has been received from the Duke of Wellington at Paris.

You may confidently assure the Spanish Minister, that no effort has been, or will be left untried, on the part of His Majesty, to prevent a War against Spain.

* See No. 8, Verona and Paris Papers.

No. 5.

Mr. Secretary Canning to Sir William à Court.

(Extract.) *Foreign Office, December* 28, 1822.

I RE-DESPATCH your Messenger with the inclosed Copy of an Official Note * presented to the French Government by the Duke of Wellington the day before his departure from Paris

You will communicate it to M. de San Miguel; and if desired, will furnish him with a Copy of it.

* See Inclosure No. 10, Verona and Paris Papers,

No. 6.

Mr. Secretary Canning to Sir William à Court.

(Extract.) *Foreign Office, December* 29, 1822.

SIR CHARLES STUART has transmitted the Answer of the French Government to the Official Note presented by the Duke of Wellington, at Paris. In that Answer (of which I enclose a Copy *), the French Govern-

* See No. 12, in Verona and Paris Papers.

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ment, while it declines accepting the proffered Mediation of His Majesty, on the ground that there is no specifick point of difference, to the removal or explanation of which Mediation can be distinctly applied, expresses nevertheless the pleasure with which it views the "conciliatory dispositions" of the British Government, and the hope which it derives from those dispositions, of the continuance of Peace in Europe.

Sir C. Stuart at the same time, reports to me, the Instructions which have been transmitted by the French Government to * their Minister at Madrid. M. de Marcellus has been with me this morning for the purpose of making, by order of his Government, a similar communication.

As the object at Verona was to induce us to make common cause with all; so the object of France, since she has to a certain degree reconsidered for Herself the measures framed at Verona, appears to be to induce us to concur in Her separate and mitigated measure.

The truth is, as you are aware, that our objection to joining in the measures settled at Verona was an objection of principle not of degree; an objection not capable therefore of being overcome by a mere modification of the Execution of them.

It would have been idle to offer our mediation to France, if we had been prepared to unite with Her in the conditional menace contained in the Despatch which she has now addressed to Her Minister at Madrid,—a menace softened perhaps in it's terms, and less precise as to the conditions on which it depends than those of the other Continental Powers, but still vicious in principle, as at once demanding of Spain something to be done in the arrangement of Her internal concerns, and denouncing (in however comparatively distant and obscure a manner) War as the consequence of refusal.

In speaking to M. de San Miguel upon the subject of those Instructions, you will disclaim for your Government any participation in this proceeding of the French Government. But you will avow the deep interest which the King, our Master, feels in the agitations now prevailing in Spain; His Majesty's anxious hope that the Spanish Government and Nation may avoid any excess, either in action or in language; and His Majesty's unabated desire, to employ His Good Offices, in whatever way may be most useful to Spain, for averting the dangers with which She is threatened, and for reconciling Her to France and to all Europe.

* Despatch from M. de Villèle to M. Lagarde, dated Paris, Dec. 25, 1822.

No. 7.

Mr. Secretary Canning to Sir William à Court.

(Extract.) *Foreign Office, December* 29, 1822.

IT may be of so much use to you, in the present critical state of things, to have with you some person, in the Duke of Wellington's entire confidence, and capable of communicating in His Grace's name with Individuals whom he has personally known, and who are now in the Spanish Government or Councils, that Lord Fitzroy Somerset has agreed to undertake a journey to Madrid, for the purpose of affording you such assistance.

He will set off in the course of next week, and will remain at Madrid as long as you think he can be useful to you.

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No. 8.

Sir William à Court to Mr. Secretary Canning. — Received January 2, 1823.

(Extract.) *Madrid, December 24, 1822.*

MR. JACKSON is arrived, and has delivered to me your Despatches of the 9th ultimo.

I am now really inclined to believe that we shall come to an amicable and satisfactory termination of our discussions with the Spanish Government.

My conversation with M. San Miguel this morning, began by his pulling from his pocket a large roll of papers, with which, he said, he was going down immediately to the Cortes, with the view of requesting authority from that Body, to settle every question at issue between England and Spain.

"We are sure of England, he said, and satisfied with Her Position; and We hope that the Cortes will enable us to make Her satisfied with Spain.—We cannot expect Her to range herself on our side, nor to send Troops or Fleets to assist us; but we are persuaded that she will never assist our enemies, nor furnish them with the means of invading us. It is moreover so much her Interest to prevent War breaking out between us and France, that it is quite unnecessary to ask for her Mediation.-- There is certainly nothing to induce us to ask for such a Mediation at present; but we are at sea, surrounded by dangers, and menaced by storms, and it is impossible to say that we may not yet require a friendly hand. But we see nothing yet to make it necessary for us to ask any Mediation, nor have we at present any intention to solicit one."

I have thought it adviseable, Sir, to repeat to you this conversation, that you may be able to draw from it your own conclusion as to the probability of our Mediation being solicited.---I am myself of opinion that such a step will never be resorted to, till every other hope has failed: and certainly there is nothing in the Despatches from Paris, nor in the conversations or conduct of General La Garde, to make this Government despair of avoiding a War without our Mediation.

No. 9.

Mr. Secretary Canning to Lord Fitzroy Somerset.

My Lord, *Foreign Office, January 6, 1823.*

IN returning to your Lordship the *Memorandum* which the Duke of Wellington has put into your hands, of the points upon which it may be advantageous to the King's service, that your Lordship should communicate verbally his Grace's sentiments to such of the persons now taking a leading part in the affairs of Spain, as may be likely to be influenced by a communication of this confidential nature, I have very little to add to the contents of the Memorandum; and that little relates rather to the mode of your acting upon it, than to the substance of the paper itself.

Important as the aid which your Lordship will bring to Sir William à Court must be, you will, I am sure, be aware of the absolute necessity of not appearing to be invested with any separate mission, which might detract in the eyes of the Spanish Ministers from that gentleman's official or personal authority.

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Your Lordship will be so good as to consult Sir William à Court's wishes and opinions as to the occasions on which, and as to the persons with whom, you should enter upon the topicks entrusted to your discretion; and you will report to him your several conversations, not disguising from the individuals with whom those conversations are held, that you are to do so.

At the same time, however, that you will be thus careful to mark your relation to his Majesty's established Minister, it will be essential to avoid creating the impression, that the suggestions which your Lordship has to offer on the part of the Duke of Wellington, as the friend and well-wisher of Spain, are only in another shape *demands* on the part of your Government. A voluntary adoption of the suggestions of the Duke of Wellington would enable us to mediate for Spain with France, with an effect infinitely more powerful. But we do not, like France, demand any thing of this sort, as the price of our forbearance to break with Spain.

What is necessary to enable us to mediate for Spain with honour, is the redress of the grievances which we have against Her. But that matter is in Sir William à Court's hands; and is, I hope, in a train of settlement.

With regard to the length of your stay at Madrid, I have only to refer you to your own and Sir William à Court's joint discretion.

I shall hope to hear from your Lordship soon after your arrival, and as often as there is a safe opportunity of writing.

I have the honour to be, &c.

(Signed) GEORGE CANNING.

The Right Honourable Lord Fitzroy Somerset.

(Inclosure in No. 9.)

Memorandum by the Duke of Wellington for Lord Fitzroy Somerset.

London, January 6, 1823.

IT is important to make the Spaniards feel, that a King being necessary for the government of their Country, and a part of their system, as established by themselves,—it follows, as a matter of equal necessity, that the powers and prerogatives assigned to the King in the system, should be such as to enable Him to perform His duties, and such as, in reason, a King ought to be satisfied with.

If the situation of the King is not what it ought to be;—if He has not the power to protect Himself, and those employed under Him, in the performance of their duty in the service of the public; and if the King has not reason to be satisfied that the power allotted to Him by the law is sufficient,—the Country will never be in a state of tranquillity, be the system of Government what it may.

There will be perpetual, successive, Royalist Insurrections in one part of the Country or the other; and the King and His Government will be objects of never ceasing jealousy and distrust.

The family connection between His Catholick Majesty and the King of France,—and the interest which the latter naturally feels for the welfare of the former,—will occasion a perpetual irritation between the two Countries, so long as the situation of the King in Spain is not what it ought to be; which it may be expected will, sooner or later, occasion War, and the invasion of the weaker Country.

Thus, then, those Spaniards who really desire the peace and welfare of their country, must look to an alteration of their Constitution, which shall have for its object, to give the King the power of executing His office. I confess that I do not see any objection to this alteration, either in the antecedent conduct

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of the King, or in the apprehension that His Catholick Majesty will abuse the power thus confided to Him. The King will feel the advantages of the position in which He shall find Himself, and will have no motive for wishing to overthrow the system established, particularly if the alteration is made in concert with Him; and, moreover, the spirit of the people, and the exertions of those individuals who have prevented the existing system from being overthrown, will preserve that to be established, even though the King should be desirous of overthrowing it, by the abuse of the power entrusted to Him.

This will be the case particularly, if the proposed alterations of the system are concerted with the King. Indeed, no other mode of making those alterations can have the desired effect: as, if they are not made in concert with the King, his Catholick Majesty will not cordially carry into execution the system proposed; and, both King and People being dissatisfied, there will still be the same causes for internal disturbance and for external war as exist at present. The concert with the King on the alterations must be a real one: and the King must be satisfied, that the Constitution, as altered, will secure the foundations of His power over the executive Government, and will give him the means of protecting Himself, His Family, and His Servants.

Neither do I see any reason for deferring to make these alterations in the recent transactions of Foreign Powers. Those transactions are all professedly defensive. France professes, by her Army of Observation, to be defensive; and declares that She will not pass the frontier, excepting on the occurrence of certain Cases. The alterations of the Constitution, on the principles proposed, would render those cases so improbable, as that the continuance of the Army of Observation would be an useless expense; and there is no doubt that it would be immediately withdrawn.

Then, another advantage which would result from this alteration in aid of internal tranquillity is, that France would most probably immediately adopt some efficient measure to prevent the assembly of the Royalists within the French frontier. All Spaniards who pass the frontier, might be ordered to reside at such a distance from the frontier, as to render their intrigues or their operations within the Spanish frontier nearly impossible; and thus the asylum given in France to persons of this description, would not be inconsistent with the peace and tranquillity of Spain

But this is not all. The Spaniards must see that all the sources of the prosperity of their Country are nearly destroyed; and that the very foundations of social order and government are in a state of risk. There is no trade, no private or publick revenue: the national property cannot be sold: the interest of the national debt cannot be paid; nor can the army, or any of the public servants or establishments; and no money can be borrowed.

I happen to know that the principal monied people in Europe, will not lend their money to Spain, till they shall see a system prevail in that Country, which shall afford some hope of the re-establishment and permanence of peace and good order.

If all this be true—if it be true, besides, that the best chance that Spain has of coming to some arrangement with her Colonies, is to be found in some settlement of her internal dissensions and distractions, it is impossible that any reasonable Spaniard can doubt that the time is come, to effect those alterations, which the common sense of mankind points out to be necessary.

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No. 10.

Mr. Secretary Canning to Sir William à Court.

SIR, *Foreign Office, January 6, 1823.*

THIS Despatch will be delivered to you by Lord Fitzroy Somerset, who has the goodness to undertake a journey to Madrid, (without any Official Character,) in the hope of being useful to you in the very difficult and complicated state of your present negotiations, through his acquaintance with some of the prominent characters among military and other publick men in Spain; and through the knowledge which he possesses, and is known to possess, of the views and opinions of the Duke of Wellington.

There may be those among the leaders of the Cortes, or in offices of the Executive Government, who would listen to friendly counsels, coming from a man to whom Spain is so deeply indebted as the Duke of Wellington, and to whom her welfare is naturally so dear, from the very services which he has had the glory of rendering to her, though they might turn a deaf ear to any other suggestions.

The object of England is to preserve the Peace, of which her exertions have prevented the immediate interruption. But it is much to be feared that Peace cannot be preserved, if things remain in their present state, both at Madrid and on the frontier of Spain.

France can hardly be expected to withdraw her Army of Observation, without some assurances from Spain, which she may plead as satisfactory. We ask no such assurances for ourselves, and we annex no penalty to the refusing or withholding them: but it would enable us to do much, that such assurances should voluntarily be given to us; and perhaps they may be given less reluctantly through the confidential friend of the Duke of Wellington, than directly to yourself, even if you were authorized officially to receive them. The interval is precious, and it is hoped that it may not be thrown away.

I inclose to you a copy of a Letter* which I address to Lord Fitzroy Somerset, and of a Memorandum with which he is furnished by the Duke of Wellington.

You will see that he is to consult your judgment as to the occasions on which, and the Individuals with whom, it may be expedient that he should enter into communication; that he will repeat to you whatever passes in such conferences; and that the length of his stay and the time of his departure are to be determined with your advice.

I am, &c.

(Signed) GEORGE CANNING.

The Right Hon. Sir Wm. A'Court, Bart. G.C.B.
&c. &c. &c.

* No. 8. and Inclosure therein.

No. 11.

Mr. Secretary Canning to Sir William à Court.

(Extract.) *Foreign Office, Jan. 9, 1823.*

INCLOSED is a copy of an *Official Note which I have received the King's Commands to address to the French Chargé d'Affaires in London, in reply to the Duke de Montmorency's answer to the Note of the Duke of Wellington of the 17th ult. which tendered to the French Government the

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Mediation of His Majesty for the adjustment of its differences with Spain.—You will communicate my Note to the Spanish Minister.

Our position between France and Spain is strictly mediatorial, even though neither of the two States should (for different reasons) think fit to avail itself of our formal Mediation: and though We are not invested with the office, We must endeavour practically to perform the duties of it.

I have received the King's Commands to signify to you His Majesty's gracious approbation of the ability, zeal, and perseverance with which you have executed the Instructions heretofore confided to you, with respect to the Commercial and Maritime Claims of His Majesty's Subjects,—the settlement of which, after so long a course of complaint and remonstrance, will be mainly to be attributed to your exertions.

The difficulty of the task imposed upon you by the tenour of those Instructions, contrasted as they are with the more acceptable communications which you have subsequently had to make to the Spanish Government, is fully acknowledged; and your success in reconciling two apparently opposite courses of conduct, and producing (as it is hoped you may do) a favourable result in both, will be proportionably appreciated by your Government.

If any thing of personal indisposition towards yourself, shall appear to have been excited in the mind of those with whom you have had to negociate, from the pertinacity with which you have been directed to press the unpleasant topicks of your late Conferences, you will not scruple to set yourself right, by throwing the whole responsibility upon your Instructions.

It would have been very desirable indeed, if it had been proper, to qualify the unpleasantness of those Instructions, by accompanying them with some distinct intimation of the part which the Plenipotentiary of His Majesty was taking in Spanish Affairs at Verona: but such an intimation of our separate opinion could not be given, in fairness to the Allies, while their deliberations yet continued, and while the result of those deliberations was undetermined or unknown.

Now that the whole of our conduct is before the Spanish Government, you will assuredly find no difficulty in convincing them of the correctness of both parts of it; in shewing them that a determination to vindicate our rights against Spain was not incompatible with a respect for Her National Independence; and in availing yourself of the removal of that dissatisfaction, which must always have tinged our intercourse with the Spanish Government, while our just grievances remained unredressed, to impress upon M. de San Miguel our desire to prove, by our Good Offices in Europe, how little any feeling of hostility entered into the measures to which we were compelled to resort for the defence of our honour and our interests in America.

* See No. 13, in Verona and Paris Papers.

No. 12.

Sir William à Court to Mr. Secretary Canning.—Received Jan. 9, 1823.

(Extract.) *Madrid, December* 26, 1822.

I SAW M. de San Miguel again this morning, who continued to speak in the same friendly tone as during our last conference, and repeated his assurances that every thing respecting our claims should be arranged to our entire satisfaction, provided the Cortes granted him the Faculties he demanded.—This I trust will be done.

In the course of this conference M. de San Miguel said, that he fully understood our position, and our friendly intentions towards Spain; which

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arose indeed from a conviction of our own Interests. It never could tally with English Policy that France should be in military occupation of Spain.

He then added, that from every report which had lately reached him, he did not believe that any War was likely to take place.—The Congress was over, and the Great Continental Sovereigns had retired to their respective States, leaving every thing to France: and he had reason to believe that France was by no means in those decidedly hostile intentions, which there had once been reason to apprehend.

With respect to the possibility of any future solicitation of British mediation, he gave me to understand that it was a Question of so delicate a nature, and necessarily so dependent upon contingencies, that he wished, at present, to say nothing upon the subject. If ever such a solicitation took place, it would be done in the most open, frank, and unreserved manner, by an official written Document, which should leave no doubt upon the mind of one Party, as to the intentions of the other.

I shall draw no inferences from this conversation, nor argue upon the probability or non-probability of our mediation being solicited; as you, Sir, will be much better able to judge correctly of this matter, from the communications you receive of what is passing in the Cabinet of the Tuileries.

This Despatch will be forwarded by a Spanish Messenger who leaves Madrid for London, either this evening, or to-morrow morning.

No. 13.

Mr. Secretary Canning to Sir William à Court.

(Extract.) *Foreign Office, Jan.* 11, 1823.

I WAS about to send this Messenger to you the day before yesterday, with my despatch of that date, when yours by the Spanish Messenger arrived.

Its contents, though not conclusive, are highly interesting; and if the hopes which you hold out, with respect to the settlement of our Claims, are realised, you will have rendered a great service to your Country.

You have judged quite correctly, in not pressing the Mediation of His Majesty. The refusal of the French Government puts any *formal* exercise of it now out of the question. But, substantially, our Good Offices may do all that the most regularly accepted Mediation could have done.

The position in which the Spanish and French Governments stand towards each other cannot last. Every day brings with it the hazard of an accidental infraction of peace on the frontiers; and the smallest such infraction might confound all our hopes and endeavours. Till France shall withdraw her Army of Observation, there is no security against such hazards.—France cannot withdraw her army (it is fair to admit) without some cause to assign for doing so. The only cause to be assigned must be some satisfactory assurances received from Spain. Spain may be reluctant to give such assurances to France, under the apparent influence of a menace. But she may confide them to Us, who neither require them, nor threaten any consequence of withholding them. If Spain has griefs against France, she may in like manner confide to Us the statement of them, as an inducement to France to be satisfied with less concession.

Such is the summary of the present state of things, on which depends the fearful alternative of Peace or War. We earnestly desire the former; not only for our own interest, as M. San Miguel suggests, but for the larger interests of Europe, (those of Spain herself included,) in which ultimately, if not immediately, our own no doubt may be involved.

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We wish for Peace therefore in Europe: but Peace for ourselves we are determined at all events to preserve; and should our efforts to maintain it between France and Spain prove abortive, We shall have the consolation to have discharged the duty towards both, of a faithful and disinterested Ally; and shall retire thenceforth within the limits of a strict Neutrality.

This last topick you cannot state too clearly, nor press too strongly upon M. San Miguel: as there are not wanting those, who may wish to inspire him with the notion that the anxiety which we manifest to rescue Spain from the War, is an earnest of a determination to join Her in the War, if it should come upon Her.---I have discouraged in the most decisive manner some obscure indications of a wish and hope of this kind, in the Spanish Mission in this Country.

No. 14.

Sir William à Court to Mr. Secretary Canning.—Received January 20.

SIR, *Madrid, January 7, 1823.*

LONG before this despatch can reach you, the final determination of the Cabinets of Austria, Russia and Prussia, as well as that of the Cabinet of the Tuilleries, will have left little doubt on your mind as to the probable issue of the Negotiations (if Negotiations they may be called) undertaken with the Government here.

It is therefore unnecessary for me to do more than give a succinct statement of events in this Capital, from the period of their arrival to the moment of writing this Despatch.

The French Minister, as might have been foreseen, had the start of his Colleagues, having received his letters two or three days earlier than they received theirs. He made use of this time to give that favourable impression of the intentions of his Government, to which his attention appears to have been directed by his instructions; and he had already prepared the Spanish Government thoroughly to understand the position in which France had placed Herself, long before any intimation could be given, by the Representatives of the other Continental Powers, of the intentions of their respective Courts.

The Spanish Government, thus set comparatively at ease with respect to France, and sure of the Neutrality of England, could not be expected to pay any very great attention to the vague suggestions of three distant Powers, couched in language very far from conciliatory. Instead then of any intimidation being exhibited, or any point being yielded, the tone adopted by the Spanish Government has been that of conscious security.—No written answer to the several communications has indeed been given; but it has been promised: and there is every reason to suppose that, when it arrives, it will be found to be in the sense which this feeling would naturally dictate; and that the departure of the Austrian, Russian, and Prussian Representatives must necessarily follow. The French Minister will remain.

I must do the Spanish Government the justice to say, that, so far as I can perceive, It has not assumed any improper manner, or exhibited any extraordinary presumption upon the present occasion. M. de San Miguel, indeed, in his conversations with me, since the arrival of the Despatches above-mentioned, has spoken in a tone of much greater moderation, and has held out much greater hopes for the future, than he ever ventured to express before:—He more than insinuated that modifications might be effected, whenever the Country should be relieved from the danger of Foreign Interference.

The contents of the Communications made have not yet been sufficiently digested by the publick, to allow me to speak with any certainty of the general

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feeling. Upon the whole, however, I do not observe any very great effervescence; nor do I, as yet, see any reason to fear that any personal insults will be offered to the Representatives of the Allied Sovereigns. The town remains perfectly tranquil.—I have done, and shall continue to do, every thing in my power to allay the irritation which may exist, and to prevent the adoption of violent measures.—The friendly and cordial footing upon which M. San Miguel and I now stand, makes me hope that my endeavours will not be entirely useless.

I have the honour to be, &c.

(Signed) WILLIAM à COURT.

No. 15.

Sir William à Court to Mr. Secretary Canning.—Received January 20.

SIR, *Madrid, January* 10, 1823.

The Despatches received and communicated to this Government, by the Representatives of the Three Continental Powers, were yesterday presented and read to the Cortes, by M. de San Miguel, in a publick sitting. He at the same time read the Answer addressed to the Spanish Minister at Paris, but previously communicated to M. Lagarde; and the Despatches addressed to the Spanish Representatives at the Courts of Austria, Russia and Prussia. in answer to the Communications made by the respective Chargés d'Affaires of those Powers residing here.

The Answer to the French Despatch contains nothing that can be deemed offensive. The Answers to the others will probably be considered in that light. I inclose a Gazette, containing all those documents, which the immediate departure of the Courier will prevent me from getting translated.

The Cortes exhibited a great degree of temper and moderation. M. M. Arguelles and Galiano immediately moved that no discussion should be entered into for the moment, but the whole be referred to the Foreign Committee; alleging, that a certain time should be given for passion to subside,—it being highly desirable that the Members should come to the discussion of so grave a subject, with the temper and decorum becoming the Spanish Character and Nation. The Papers were consequently referred to the Committee for Foreign Affairs, to report upon the same; and the Committee was also instructed to prepare an Address, to be presented by the Cortes to the King, pledging the Nation to reject all compromise with Foreign Powers, unbecoming the dignity of their Country; and expressing their determination to die, if necessary, in defence of the Constitutional Throne. The Committee was ordered to report in forty-eight hours.

As it was not very generally known that these documents were to be publickly read, the House was by no means full. The galleries were disposed to be a little riotous, venting their constitutional ardour in repeated cheers, and a few ill-supported cries of "Death to all Tyrants, &c. &c." Upon the whole, however, the Sitting may be said to have passed over with order and tranquillity.

I cannot help thinking, that some of the moderation exhibited, may be due to the language which I have uniformly held, as well to M. de San Miguel, as to others who have considerable influence. I certainly prevailed in preventing Passports from being sent, unasked, to the Three Chargés d'Affaires, as was at first intended. This is perhaps not gaining much, as they will be immediately applied for by them; but still it prevents what might hereafter be construed into a fresh ground of offence, on the part of this Government.

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Not to leave any measures untried for the preservation of Peace, I have also opened myself in the most unreserved manner to the French Minister, offering to co-operate with him by every means in my power for that first of objects. Till within these few days, he appeared to be as anxious as myself to prevent things from coming to extremities; but since the arrival of the last courier from Paris, I have observed a difference in his tone, which I cannot but attribute to fresh instructions. He informed me yesterday, that it would be impossible for him after the departure of his Three Colleagues, to allow the slightest offence or insolence to pass without immediately demanding his passports. The persuasion upon his mind now seems to be, that a War is inevitable.

If the French Government be determined on War, it will certainly be impossible for us to prevent it from taking place: yet I have very strong reason to believe, that I shall receive from the Spanish Government, within forty-eight hours, an application for our Good Offices, (though I fear not for our Mediation); and I cannot but hope, that if this be the case, it will give a fresh aspect to affairs. If such an application reach me, I shall request Mr. Jackson to set off with it immediately for London: but I cannot assure you positively that it will be made, till I hold the application in my hands.

I have the honour to be, &c.

(Signed) WILLIAM à COURT.

No 16.

Sir William à Court to Mr. Secretary Canning.—Received January 21.

SIR, *Madrid, January* 12, 1823.

IN my Despatch of the 10th instant, I stated to you that I had reason to believe that a Note would shortly be addressed to me, requesting the Good Offices of England, with the view to prevent the breaking out of a War between this Country and France.

This Note has reached me, and I have the honour to enclose a copy of it herewith. I have requested Mr. Jackson to proceed with it directly to England; and have selected him the rather, from the persuasion that no one is better qualified to give you verbally those further explanations, which, under the present circumstances, I can hardly venture to write.

If France be pacifically inclined, something may yet grow out of this overture, to prevent that recurrence to arms, the consequences of which it is impossible to foresee. France may state what She wants, to Great Britain; who may thus become the medium of Her communications with this Government, in the event of the departure of Her Minister. This appears to me, at all events, to be the last hope that remains for the preservation of Peace; and therefore, faint as it is, it should not be rejected.

I have the honour to be, &c.

(Signed) WILLIAM à COURT.

(Inclosure in No. 16.)

M. de San Miguel to Sir William à Court.

MUY SR. MIO, *Madrid, 12 de Enero,* 1823.

CON fecha de 9 del corriente, se remitió al Sr. Don Juan Jabat, Ministro Plenipotenciario de S. M. cerca de S. M. Britanica, copia oficial de las ulti-

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mas comunicaciones que habian hecho al Gobierno Español por orden de sus Cortes, los Representantes en esta Capital, de Francia, Austria, Prusia, y Rusia, y de las respuestas que se dieron á ellas. Al mismo tiempo se dió orden al espresado Ministro, de que leyese la mencionada correspondencia al Sr. Secretario de Negocios Estrangeros de S. M. Britanica; y que le manifestase que los principios y resoluciones del Gobierno Español, no serian jamás otros que los consignados en dichos documentos.

Poco tendrá, en consecüencia, que añadir á V. S. el Gobierno de S. M. Catolica en la nota que tengo la honra de dirigirle de R. orden con la gaceta adjunta, donde están copiadas oficial y autenticamente las espresadas comunicaciones, que no se remiten á V. S por la brevedad del tiempo.

V. S. que ha sido testigo ocular de los sucesos ocurridos en esta Corte de tres meses á esta parte, y de las escenas que ha ofrecido en los tres ultimos dias, podrá mejor que nadie informar á su Gobierno de la resolucion en que se halla la España entera de defender á todo trance la independencia nacional, y de no reconocer intervencion por parte de ninguna Potencia estrangera. Es tan obvia la justicia de la causa de la nacion, y tan sagrados é imprescriptibles sus derechos á ser independiente, que el Gobierno de S. M. créaria hacer un agravio á la ilustracion de V. S. si tratase de insistir en este punto.

Los defectos que pueda tener la actual Constitucion de España, deben ser conocidos y remediados por la misma nacion libra y espontaneamente. Lo contrario seria establecer un derecho de opresion el mas terrible é insuportable. Los Españoles están identificados con la Constitucion promulgada en 1812; y todos miran al Sr. Don Fernando 7º como la persona sagrada é inviolable de su Rey Constitucional; no pudiendo ocultarse á V. S. que el respeto profesado al Rey se estiende á las personas de su Real Familia.

La España, invariable en sus principios, aguarda tranquila el resultado de las respuestas que se han dado á las comunicaciones de las cuatro grandes Potencias Continentales; pero se lisongea, sin embargo, de que no se ensangrentará la Europa por cuestiones que son de suyo evidentes; y que la Francia renunciará á su llamado sistema de precaucion, que sin producirla utilidad, ocasiona tantos perjuicios á España.

A la Inglaterra que ha tomado en las conferencias de Verona un caracter tan moderado y tan pacifico, pertenece el coronar su obra, y evitar la efusion de sangre que no puede producir utilidad á los intereses de ninguna nacion: y á ella corresponde hacer ver al mismo tiempo al Gobierno de Francia, el error que comete en tomar medidas y precauciones, que no ocasionan sino contrarios resultados de los que dice proponerse. La existencia de su ejercito de observacion del Pirineo, y la proteccion concedida á los facciosos, son enteramente incompatibles con el estado de tranquilidad que el Gobierno Frances dice desea á España.

El de S. M. C. apetece que desaparezca tal fatal contradiccion, y de nadie se promete mas eficaces resultados sobre el particular, que de la influencia del Gabinete de la Gran Bretaña, y por lo mismo espera que su ejercicio no se negará á este objeto.

Al tener la honra de hacer á V. S. esta comunicacion, que espero se servirá elevar á conocimiento de su Gobierno. Aprovecho con gusto esta circunstancia para renovar á V. S. las seguridades de mi mas distinguida consideracion, y rogar á Dios guarde á V. S. m. a.—Palacio, 12 de Enero de 1823.

B. L. M. de V. S.

Su mas attento seguro ser^dor.

(Firmado) EVARISTO SAN MIGUEL.

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(Translation of Inclosure in No. 16.)

M. de San Miguel to Sir William à Court.

SIR, *Madrid, January* 12, 1823.

UNDER date of the 9th inst. an Official Copy of the late communications which the Representatives of France, Austria, Prussia and Russia at this Court, have made to the Spanish Government, by order of their respective Courts, together with the answers given to them, was forwarded to Mr. Jabat, His Majesty's Minister Plenipotentiary in London. At the same time orders were given to the aforesaid Minister, to read the whole of this correspondence to His Britannick Majesty's Secretary of State for Foreign affairs, and to declare to him, that the principles and resolutions of the Spanish Government would never differ from those consigned in these documents.

His Catholick Majesty's Government will, consequently, have but little to add in the Note which I have now the honour to address to you, by Royal Order, together with the inclosed Gazette; which contains an official and authentick copy of the communications in question, which are not forwarded to you for want of time.

You, Sir, who have been an eye-witness of the events which have occurred in this capital during the last three months, and of the scene which it has presented during the last three days, can inform your Government better than any one else, of the firm determination of all Spain to defend Her National Independence at all hazards, and never to acknowledge a right of intervention on the part of any Foreign Power. The justice of the cause of the Nation is so obvious, and its right to be independent so sacred and imprescriptible, that His Majesty's Government would think it an affront to your judgment, Sir, to dwell any longer upon this point.

Any defect which the present Constitution of Spain may have, ought to be discovered and remedied, freely and spontaneously, by the Nation Itself. The contrary would tend to establish a right of the most terrible and insupportable oppression. The Spaniards are, at present, identified with the Constitution promulgated in 1812.—They all behold in their present Monarch Don Fernando the Seventh, the sacred and inviolable person of their Constitutional King; and it cannot be concealed from you, Sir, that this respect professed to the King, is extended to all the members of His Royal Family.

Spain, unvarying in Her principles, awaits calmly, the result of the Answers which have been given to the communications of the four Great Continental Powers; but She flatters herself, however, that blood will not be shed in Europe, for questions so evident in themselves; and that France will lay aside Her System of Precaution, as She calls it, *(su llamado sistema de precaucion,)* which, without being of the slightest utility to Her, is the source of so many evils to Spain.

To England, who has taken in the conferences at Verona so moderate and pacifick a line, it now belongs to crown the work; and to prevent an effusion of blood, which can be productive of no possible advantage to the interest of any nation. To England too belongs the task of making the French Government perceive the error which it is committing, in taking measures and precautions, which only produce contrary results to those, which it states itself to have in view.

The existence of its Army of Observation on the Pyrennees, and the protection afforded to the Insurgents, are entirely incompatible with that tranquillity, which the French Government says it wishes Spain to enjoy.

His Catholick Majesty's Government hopes that this fatal contradiction will at length disappear:—and, in attaining this object, it feels that it can no where

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look for more effectual assistance, than from the Cabinet of Great Britain, the exercise of whose influence to this effect, will not, it trusts, be denied.

I beg, Sir, that you will be pleased to lay before your Government, the Communication which I have now the honour of making to you, and I embrace this opportunity of renewing to you the assurances, &c. &c.

(Signed) EVARISTO SAN MIGUEL.

No. 17.

Mr. Secretary Canning to Sir Charles Stuart.

SIR, *Foreign Office, January* 24, 1823.

I INCLOSE to your Excellency a copy of a Note * which M. de San Miguel, the Spanish Secretary of State, addressed to Sir Willliam A'Court on the 12th instant, and requested him to transmit to his Government.

The object of this Note is, as your Excellency sees, to obtain the Good Offices of His Majesty's Government with France, for the purpose of averting hostilities.

It is needless to repeat to your Excellency, how anxiously the King our Master deprecates a War between two Powers, whose Collision must so deeply affect the general Tranquillity of Europe; or how confidently His Majesty infers from the desire for Peace, so repeatedly expressed by His Most Christian Majesty's Government, a disposition on their part to avail themselves of every opening for adjustment and explanation with Spain.

I have therefore received His Majesty's commands to direct you to request an audience of M. de Chauteaubriand, so soon as this Despatch shall reach you; to read to him M. de San Miguel's Note; and to inform him, that Mr. Jackson (who was the bearer of Sir William à Court's last Despatches, and by whom this Despatch will be delivered to you,) will wait at Paris, for the result of the deliberations of His Most Christian Majesty's Cabinet upon M. de San Miguel's Note, in order to convey to Sir William à Court your Excellency's report of that result.

In your conversation with M. de Chateaubriand, your Excellency is not to over-rate the value of the Concessions, implied, rather than distinctly expressed, in the Note of M. de San Miguel; nor to represent it as completely satisfactory, and as leaving nothing to be desired:—but it is just and reasonable, at the same time, to consider the circumstances under which it was written.

Assuredly the more enlightened part of the Government, or of the Cortes, of Spain, does not believe the Spanish Constitution of 1812 to be, in all its parts, usefully and permanently practicable. But if there exist imperfections in the frame of the Government of France, or of England respectively, should we consent to reform those imperfections, on the demand of a foreign Power, and under the menace of a foreign War as the penalty of our refusal?

Even by the mode in which the demand was made by France, that part of the Spanish Government or Nation, which might be willing to undertake those ameliorations of the present Constitution of Spain without which It is alleged to be unsafe to her neighbours, has been placed in a situation of great difficulty. Is it not plain, that the same proposition completely changes its nature, according to the manner in which it is brought forward?—that one, which, if submitted through the regular channels of diplomacy, might be matter of wholesome advice or amicable remonstrance; when addressed to a Nation aloud, and in the presence, as it were, of all the world, becomes a taunt and a defiance? The publication of the Despatch to M. Lagarde, while it was yet on its road to Ma-

* See Inclosure in No 15.

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drid, is, I know, defended by the alleged necessity of tranquillizing the publick mind at Paris. But if the publick mind at Paris required to be tranquillized, was not the publick mind at Madrid liable to be inflamed?

Your Excellency will not understand these observations to be made with any view of inculpating the proceedings of the French Government, with which, abstractedly, we have no concern.

I would recall M. de Chateaubriand's attention to the situation in which the French Government has placed itself towards Spain, by the manner in which Her first alternative for War has been propounded,—only for the purpose of impressing upon the French Government the necessity of not omitting any fresh opportunity, however little promising they may deem it, for again stating to Spain the grounds of their dissatisfaction and the nature of their demands.

The French Government desires to assure itself of the safety of the Royal Family of Spain, and of a disposition in the leading Members of the Cortes, as well as of the Government, to turn to advantage any occasion that may occur, or that can be created by a prudent and gradual course of measures, for the remedy of the defects in the Spanish Constitution:—a channel is now opened to the French Government for endeavouring to arrive at those assurances. A precipitate removal of the Royal Family from Madrid—would be the instant and infallible consequence of the march of a French Army across the Frontier. If the amendments in the Spanish Constitution are absolutely necessary, and it is hopeless to bring about those amendments otherwise than by Arms;—has the French Government chalked out to itself the course by which a successful invasion is to be made to lead to the desired result? The occupancy of Madrid, as repeated experience shews, is not the dominion of Spain. The King, and the Cortes, will be established elsewhere, and what is then to follow but a continuance of civil and foreign War, spreading misery and devastation over the whole Kingdom?

These considerations your Excellency will suggest to Monsieur de Chateaubriand, in a tone of perfect amity and good will; and with the assurance of the most entire persuasion, on the part of His Majesty's Government, that the prosperity and tranquillity of France are objects in which Great Britain has, herself, the deepest concern. It is seen and acknowledged here, and acknowledged with no feelings but those of congratulation and satisfaction, that every year's continuance of Peace to France, must consolidate more and more her political Institutions, and promote those improvements in her interior condition and resources, which assure to her the high rank that she holds among European Nations. But in proportion as we feel this sentiment sincerely, we deprecate the fearful experiment of a War, in which there is so little to gain by success; and at a hazard which appears to us as imminent as unnecessary.

The immediate object however of your interview with M. de Chateaubriand, is to bring before him the Overture from M. de San Miguel; to offer His Majesty's Minister at Madrid as a channel of communication with the Spanish Government; and to assure the French Government of the anxious desire of His Majesty, to promote, in that or in any other way, the attainment of such a settlement with Spain, as France may deem consistent not only with her Safety but her Honour.

This Despatch will be delivered to your Excellency, I hope, on Sunday; so that you will have an opportunity of communicating to M. de Chateaubriand the Spanish Note, the day before the Meeting of the Chambers.

I trust the new opening which It affords for discussion and possible accommodation, may be felt as some relief to the French Government, under the difficulties of their present position. I am, &c.

(Signed) GEORGE CANNING.

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No. 18.

Sir William à Court to Mr. Secretary Canning.—Received January 26.

(Extract.) *Madrid, January 15, 1823.*

NOTHING of any material importance has occurred since Mr. Jackson left Madrid.

There is a Party labouring hard at the present moment to bring about the publication of a general Amnesty. I shall do every thing in my power to forward the adoption of this measure, by representing the favourable impression it will not fail to produce throughout Europe.

No. 19

Sir Charles Stuart to Mr. Secretary Canning.—Received, January 26.

(Extract.) *Paris, January 23, 1823.*

I SAW M. de Chateaubriand yesterday. He told me that the Duke of San Lorenzo had communicated to him the instructions which had been laid before the Cortes;—that he must admit the moderation with which M. de San Lorenzo had spoken, respecting the situation of the two Governments; but that a conciliatory tone is assumed by the Agents of Spain, which does not prevent the adoption of principles the most incompatible with the tranquillity of Europe, by the Government and by the Legislature of that Country;—that at the moment they admit all the defects of their Constitution, their readiness to concur in measures to produce a change, and their wish for the publication of a general Amnesty, their societies are the most active in their endeavours to organize revolt in France:—in short, that the enormity of the evils resulting from War is not to be compared with the consequences which must result from the success of intrigues which the French Ministers have no means of preventing during the continuance of Peace. Without questioning the sincerity of the efforts of His Majesty's Government to maintain Peace, he is convinced that it is impossible seriously to press the subject on the Spanish Government in sufficient time to lead to the result we desire. The language of the French Ministers shows that they would be glad to avail themselves of the Publication of an Amnesty, accompanied by any Change, however trifling, if brought about by the Authority of The King of Spain, which might enable them to avoid a Declaration of War.

No. 20.

Mr. Secretary Canning to Sir William à Court.

SIR, *Foreign Office, January 26, 1823.*

MR. JACKSON arrived here on Tuesday night with your Despatches to the 12th of this month; and on Friday that Gentleman was re-despatched to Paris with instructions to Sir Charles Stuart, founded on M. San Miguel's Note of the 12th instant, requesting the Good Offices of His Majesty for the prevention of War with France. A copy of these Instructions His Excellency is directed to transmit to you by Mr. Jackson, and to apprize you of the result of his execution of them.

Since Mr. Jackson's departure for Paris, I have received your Despatch of the 15th Instant, and therewith despatches from Sir Charles Stuart, which appear somewhat more favourable to the preservation of Peace, than any of the late reports from Paris.

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As you will receive by Mr. Jackson intelligence from Paris of five or six days later date, and so much the more important as the Meeting of the French Chambers will have taken place in the interval, it is useless for me now to speculate on events, which will be to you, when this Despatch reaches you, matter of positive information.

I shall therefore at once proceed to state the course which you are to follow in either of the two possible alternatives,—1st. of the Government of France having decided for War;—or 2dly. of Its having consented to avail itself of the opening presented by M. San Miguel's note; and to make known through you to the Spanish Government, the conditions on which it may be prepared to withdraw its Army of Observation.

In the former case, you have nothing to do, but to profess anew His Majesty's fixed determination, to maintain during the War a strict and impartial Neutrality: always ready at the same time to listen to any call for the renewed interposition of His Good Offices; if balanced success, or a reviving sense of common danger and mutual interests, shall better incline the contending parties to accommodation.

In the other case, you will probably receive from Sir Charles Stuart a statement of the terms which the French Government deem indispensable, either for their honour or for their safety, in breaking up that system of precaution, the continuance of which operates as a bar to pacification: and the time will then be arrived, at which you can, without the suspicion of a dictatorial or an uncalled-for interference, press earnestly upon M. San Miguel a frank and friendly opinion, in support of such of those terms as appear to you to be not unreasonable. The Amnesty which, if issued in the King's name, would, as it appears from Sir Charles Stuart's despatch of the 23d. be satisfactory to the French Government, it is unnecessary for me to instruct you to urge; since you have informed me of your intention to urge it to the utmost of your power. Neither you nor the French Government have over-rated the effect which such an Act would be likely to produce throughout Europe.

To liberate the Person and Family of the King not only from danger, but from the appearance of restraint,—to give something like force and free-will to the actions of the Executive Power—to rescue the deliberations of the Cortes from the overawing influence of the Clubs—are, next after the Amnesty (which should perhaps precede them all) the alterations the most desirable, and those which would give the greatest confidence to Foreign Nations.

These and any other objects of the same sort and with the same tendency, we are now, after the clear and practical proofs which we have given of our indisposition to claim any thing as of right, or to enforce any thing by menace, for the amendment of the Spanish Constitution, warranted to recommend, with all the earnestness which is prompted by our tried friendship for the Spanish Nation; by our experience of the practice of free Government; and by our conviction of the sufferings and the perils which must be derived to Spain and to Europe from a War.

So long as our voice might have been confounded with those of other Powers, who took a different measure of their right of interference,—or with that of France, whose exhortation was accompanied with denunciations of hostility, we abstained from advising, rather than incur the imputation of attempting to controul. But, now that the possibility of such misrepresentations is at an end, we cannot see the obvious dangers into which the present course of Spanish affairs is leading a brave and gallant People, and be silent; without abandoning the duty which is prescribed, no less by the obligations which international Law imposes upon friendly States, than by the peculiar ties which connect Great Britain with Spain.

You will keep Sir Charles Stuart constantly informed of the course of your discussions with the Spanish Ministers. I am, &c.

(Signed) GEORGE CANNING.

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No. 21.

Mr. Secretary Canning to Sir William A'Court.

Sir, *Foreign Office, January* 28, 1823.

I INCLOSE to you a copy of the Official Answer* from His Most Christian Majesty's Secretary of State, to my Note of the 10th instant, a copy of which I inclosed to you in my Despatch of the same date.

This Note was delivered to me yesterday by M. de Marcellus. I cannot better explain to you the opinions of His Majesty's Government upon it, than by inclosing to you a copy of a Despatch† which I this day address to Sir Charles Stuart.

I am, &c.

(Signed) GEORGE CANNING.

* No. 14 of the Verona and Paris Papers.
† No. 15 of the Verona and Paris Papers.

No. 22.

Sir Charles Stuart to Mr. Secretary Canning.—Received January 30.

(Extract.) *Paris, January* 28, 1823.

I RECEIVED your Despatches of the 24th instant on Sunday evening. I immediately called upon M. de Chateaubriand, for the purpose of communicating to his Excellency the Note from M. de San Miguel, under date the 12th instant; and on the following morning I went over the reasoning contained in your letter, with a view of pointing out to the French Minister, the necessity of not closing the door against an overture, which offers the only remaining chance of maintaining the tranquillity of Europe.

The French Minister told me, that the substance of M. de San Miguel's Paper, had already been transmitted to him from Madrid; but that it had not been communicated to him sufficiently at length to show that M. de San Miguel merely demands the dissolution of the Army of Observation, without holding out any hope whatever of a concession upon points which menace the vital tranquillity of this Country; though he must be well aware that, in the present situation of affairs, no French Minister would be bold enough to propose such a measure, unless it should be justified by a corresponding concession on the part of Spain.

He added that, under these circumstances, the King is compelled to assume a decisive tone in His Discourse to the Legislative Bodies; and that in announcing the cessation of the Diplomatick Relations between the two Governments, it is necessary to show that they cannot be re-established until the origin of the mischief, with which the Spanish Revolution menaces neighbouring Countries, has been removed; by assimilating their Institutions to those of other limited Monarchies, under an Act on the part of the King of Spain declaring the Constitution to emanate from the Crown.

He hoped the anxiety of my Government to maintain Peace would induce you to instruct Sir William A'Court to convey these sentiments to the knowledge of the Spanish Government; and to impress upon the Ministers the expediency of not refusing to admit the only measure of which it is possible, in the present situation, to take advantage, with a view to the attainment of that object.

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No. 23.

Sir Charles Stuart to Mr. Secretary Canning.—Received January 30th.

Sir, *Paris, January 28, 1823.*

I INCLOSE a printed Copy of the Speech which His Majesty the King of France pronounced from the Throne upon the assembly of the Legislative Bodies this morning.

I have the honour to be, &c.

(Signed) CHARLES STUART.

The Right Hon. George Canning.

No. 24.

Sir Charles Stuart to Mr. Secretary Canning.—Received February 2d.

(Extract.) *Paris, January 30, 1823.*

HAVING sent off a messenger on Tuesday, at the moment a printed copy of the Speech from the Throne was put into my hands, I was unable to make any observations upon that subject in my despatch of the same day.

Monsieur de Villèle, whom I accidentally met on Tuesday evening, appeared surprized to find that I did not consider the language of the Speech perfectly in unison with the tenour of his Excellency's former assurances. He said, that the violent alternative, to which the King refers, is mentioned in a *conditional* sense.

I could not avoid expressing my regret, that this public manifestation of demands for such changes in the Spanish Constitution, as the Leaders in that Country would hardly be pursuaded to attempt, should not leave His Most Christian Majesty the means of receding from the position in which he has been placed.

Notwithstanding the strong evidence of preparations for Hostilities, I find both this Minister, and his Colleague, Monsieur de Chateaubriand, continne to answer the representation of the consequences which must result from a rupture, by assurances that they do not participate in my uneasiness upon the subject, because they yet continue to entertain hopes that War will not take place.

No. 25.

Mr. Secretary Canning to Sir Charles Stuart.

Sir, *Foreign Office, February 3, 1823.*

ON the same day on which your Excellency's Despatches of the 28th, one of them inclosing the Speech of the King of France at the Opening of the Chambers, arrived here, M. de Marcellus called upon me for the purpose of communicating a copy of that document.

In making this communication, M. de Marcellus took occasion to declare the unabated desire of his Government for the preservation of Peace; to renew in a more precise and formal manner their request of His Majesty's Good

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Offices for that object; and to express their hopes, that our intervention at Madrid might yet avert an extremity, which (it must be confessed) the language of the French Speech, unaccompanied by such a commentary, might have been understood to announce as unavoidable.

Such an intimation from the French Ministry, at the moment when the decision of the King of France for War is the subject of general regret and alarm, places His Majesty's Government in a situation of great embarrassment;—an embarrassment which is the more sensibly felt by them, on account of the necessity of making some disclosure of opinion in the Speech to be delivered from the Throne, at the Opening of the Session of Parliament. On the one hand, His Majesty's Government would not willingly either risk the misfortune, or incur the responsibility, of closing, by any act of theirs, the door which the French Government declare to be still open.—On the other hand, the sense of the suspensive and conditional particle in the Speech of the King of France, on which the possibilities of peace are supposed to hang, is so much obscured by the ambiguous character of the condition with which it is connected, that it is very difficult to estimate its real value.

It has become necessary on this occasion, to reconsider maturely the position in which His Majesty's Government stands towards that of France.

The answer which has uniformly been given by the British Government to the questions put by France, as to the course which His Majesty would pursue in a war between France and Spain, has been, that no opinion could be formed on that point, in the ignorance in which His Majesty's Government were as to the causes of complaint which France might have against Spain.—Nothing has even yet been precisely stated to them on that subject. General danger from the nature of the present political institutions of Spain;—danger to the King and Royal Family of Spain;—attempts on the part of the Spanish Government to corrupt the minds of the French People, and to seduce the soldiers of the Army of Observation:—these, coupled with the undeniable facts of three or four occasional violations of the French territory, constituted the sum of grievances which have been alleged, at different times, against Spain by the French Government, up to the publication of the Speech of the King of France.

In charges such as these, especially when urged (as some of these were at Verona) only as the grounds of a system of defensive preparation, His Majesty's Government saw nothing which rendered an accommodation hopeless. Spain on Her side has, or professes to have, grievances to plead against France, of similar intermeddling with Her People and Her Army. She alleges that France has encouraged dissension and disaffection at Madrid; and that She even, by money and other means, fomented and stimulated the tumult of the 7th of July.

Such mutual recriminations appeared to the British Government to furnish the elements of a discussion, in which something would be to be explained on either side; and in which reconciliation might at last result from mutual compromise and concession.

In this state of things the Mediation of Great Britain was offered; and, under these impressions, Her Good Offices have been employed. The question so far turned, principally if not exclusively, upon facts;—there was no declaration of principle absolutely precluding negotiation. But as the nature of the present political Institutions of Spain was put forward, as being of itself a source of danger to France, and, at the same time, as susceptible of modifications by the voluntary act of Spain herself, which would remove the apprehension of that danger, and consequently open the way to amicable discussion on other points;—the British Government endeavoured to learn from France, what were the modifications in the Spanish Constitution, which would give to France an assurance of safety and tranquillity; and they have not hesitated to advise, at Madrid, an attempt to bring about some such

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modifications; or at least the declaration of a disposition to consider of them when the time should be more propitious for a change.

There is no conclusive reason to apprehend, that, if the influence of British counsel had been left to its own operation (considering the weight of the authority under which it was offered) it would have been offered in vain. Even after the communication to the Spanish Government of the Despatches of the Continental Powers, the Spanish Minister expressed distinctly and formally the wish of his Government, for the Good Offices of Great Britain with France; and we were not without hope of a favourable answer to the suggestions proposed through Lord Fitzroy Somerset, when we received the Speech of the King of France.

The principle put forward in that Speech, as the basis of the French demands upon Spain, is liable to a double construction. If, as we are desirous of believing, the sentiment intended to be conveyed is no other, than that, in order to give stability to any modification of the present system in Spain, and to afford sufficient assurance to France to justify her in discontinuing her warlike preparations, the King of Spain must be party and freely consenting to any such modifications; and if your Excellency shall obtain from the French Minister an avowal that such is the intention of the Speech; the British Government will be most happy to continue at Madrid their amicable and earnest endeavours, to ascertain the means, and to recommend the policy, of accommodation.

But it would not be right to conceal from the French Minister, that a different construction is generally put upon the paragraph to which I refer. It is construed as implying, that the free Institutions of the Spanish People can only be legitimately held from the spontaneous gift of the Sovereign, first restored to His absolute power, and then divesting Himself of such portion of that power as He may think proper to part with.

The Spanish Nation could not be expected to subscribe to this principle; nor could any British Statesman uphold or defend it.

We can conscientiously recommend to Spain to modify her Constitution of 1812. The Law of Nations warrants the suggestion from one friendly Power to another, of counsels for the melioration of internal institutions, provided that suggestion be made in good faith, and not in a spirit of dictation; and provided it be not attempted to be supported by force. But the British Government could not advise any People, in adopting changes however beneficial, to admit the principle on which (according to this latter construction) the Speech of the King of France would be understood to prescribe them. It is indeed a principle which strikes at the root of the British Constitution.

The British Government does not presume to hold out its own political institutions, as the only practical system of national happiness and freedom.—It does not presume to question the freedom and happiness which France enjoys under institutions emanating from the will of the Sovereign, and described as *octroyées* from the Throne. But it could not countenance a pretension on the part of France to make her example a rule for other Nations; and still less could it admit a peculiar right in France, to force that example specifically upon Spain, in virtue of the consanguinity of the reigning Dynasties of those two kingdoms. This latter reason would, on the contrary, suggest recollections and considerations, which must obviously make it impossible for Great Britain to be the advocate of Pretensions founded upon it.

I am, &c. &c.

(Signed) GEORGE CANNING.

The Right Hon. Sir Charles Stuart.

MEMORANDUM.—A Copy of this Despatch was transmitted to Sir William A'Court on the 4th of February.

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No. 26.

Sir William à Court to Mr. Secretary Canning.—Received February 6.

(Extract.) *Madrid, January 21, 1823.*

LORD FITZROY SOMERSET arrived last night. It has given me the greatest pleasure that a person so much versed in affairs, and so intimately acquainted with every thing and every body in this country, should see with his own eyes and report directly to His Majesty's Government, the real state of things here. His arrival has been a very great relief to me.

No. 27.

Mr. Secretary Canning to Sir William à Court.

(Extract.) *Foreign Office, February 9, 1823.*

YOU will have learnt, by the ordinary modes of intelligence, the Opening of Parliament, and the reception, in both Houses, of that part of the King's Speech which relates to the present position of France and Spain.

What impression may be made on the French Government, by this unequivocal disclosure of public opinion in England, I cannot pretend to foresee; but it can hardly be other than such, as,—if it were met at the same time with any reasonable facility on the part of Spain, which would afford to France a retreat without dishonour,—might lead to a reconsideration of their plans, and yet arrest the fatal blow, which is to commence Hostilities.

I trust, however, that the report which the Spanish Government may receive of these proceedings, will not lead them into a false security, by inducing them to place their hopes of extrication from their difficulties, in a War between this Country and France.

Neither the determination nor the means would be wanting, to vindicate, in any case that might arise, either our Honour, or our Interests. But this consideration does not affect the immediately impending conflict between France and Spain. It is to the prevention of the commencement of the War, that the anxiety of the British Government is, at this moment, exclusively directed; and that it is desirous of directing the deliberations of the Spanish Government: and the way to defer the present execution of the project of Invasion of Spain is, that Spain should furnish us with some proposition, such as We could submit to the French Government, with an earnest appeal to its policy, as well as to its justice.

No. 28.

Lord Fitzroy Somerset to Mr. Secretary Canning.—Received February 10.

(Extract.) *Madrid, January 25, 1823.*

WITH the approbation of Sir William à Court, I communicated to ——— on the 22d instant, the nature of the commission with which I was entrusted; expressing to him my hope that in a matter so materially affecting the welfare of his country, I should have the benefit of his assistance and co-operation.

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I informed him that His Majesty's Government continued to adhere to the determination on which they had hitherto acted, of not interfering in the internal concerns of Spain; but that, deeply alive to the difficulties of her present situation, and most anxious to prevent her rupture with France, they had thought proper to try the effect of a confidential communication, which should make known to the leading characters in this Country the sentiments of the Duke of Wellington, who, as the friend and well-wisher of Spain, had consented to state his opinions, on the necessity of some alteration in the existing Constitution.

I, at the same time, begged him to bear in mind, and to impress on those with whom I trusted he would communicate, that England demanded nothing of Spain; that she suggested nothing officially, and that her sole object in touching in any way upon so important a question, was the hope that it might lead to the adoption of a system, which should put an end to civil dissensions, and lessen the probability of a war with France.

I afterwards read to him the Duke of Wellington's Memorandum.

———————— was evidently a good deal startled at my communication, for which he professed himself to be quite unprepared; and he at once declared his conviction, that he could not be instrumental in the attainment of the objects to which I had called his attention.

He gave the British Government full credit for the conduct they had pursued during the Congress at Verona. He was deeply sensible of the value of the Duke of Wellington's exertions on that occasion, and of his constant solicitude to promote the happiness and secure the independence of Spain; but, in the present situation of the country, he could not disguise from me the difficulty of prevailing upon any party to act upon the suggestions which were thrown out for their consideration in the Duke's Memorandum.

He acknowledged the defects of the Constitution, and admitted the propriety of taking into consideration the expediency of modifying it hereafter, when such a proceeding should not be illegal.—He felt equally with myself the imminence of the danger to which the country was exposed, and that War was the inevitable consequence of a refusal to modify the Constitution. Such a measure being, however, out of the question, the Government had, in his opinion, nothing to do, but to await the evil which they could not avert.

Seeing that my reasoning made no impression upon ————————and that his reluctance to become a party in proposing any alteration in the present order of things was not to be overcome, I refrained from pressing him further on the subject: having first, however, prevailed upon him, as an act of kindness to me and of duty to his country, to mention to some of the gentlemen of the Cortes, in whom he could confide, the nature of the commission with which I was charged; and the reasons which induced the Duke of Wellington to think, that the time was arrived when Spain should make an effort to effect such an alteration in her present system of Government, as might tend to put an end to the disturbances of which she is the theatre, and to satisfy her Sovereign and his Allies.

I have found several of my old acquaintances, who are neither in the Cortes, nor in any situation of responsibility, very ready to enter into conversation with me on the difficulties by which Spain is now surrounded, and on the necessity of some Modification of the Constitution. Some, indeed, are clamorous for such an amendment, and for the interference of Great Britain; but when asked how the first can be effected, or the latter made available to the exigencies of the moment, they are unable to furnish any satisfactory reply.

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No. 29.

Sir Charles Stuart to Mr. Secretary Canning.—Received February 13.

(Extract.) *Paris, February* 10, 1823.

AFTER receiving your Despatch of the 3d instant, I called upon M. de Chateaubriand, and held a long conversation with that Minister upon the subject to which it refers. Without under-rating the effect of His Majesty's Good Offices to preserve Peace, I found M. de Chateaubriand still extremely prepossessed with the notion, that the tone assumed in the Speech of the King of France, is well calculated to induce the Spaniards to give way; and resolved, in spite of all I could say, to ground hopes of preventing War upon the result of that Speech.

When I questioned His Excellency respecting the interpretation of which His Most Christian Majesty's Speech to the Chambers is susceptible, he admitted that your account of the different constructions which are put upon that discourse, clearly exposes the doubts which have prevailed in the publick mind upon that important question. He said, that whatever may be the interpretation which is attached to His Majesty's expressions, by those who are determined to consider all the measures recommended by this Court, to be proofs of their desire to re-establish an absolute Government in Spain,—His Excellency never can believe that the communications which have taken place with the British Cabinet, have been misunderstood to a degree which can authorize such suppositions. He does not hesitate to admit that, "in order to give "stability to any modification of the present system in Spain, and to afford "sufficient assurance to France to justify Her discontinuing Her warlike pre-"parations, the King of Spain must be a party, and consent to such modifi-"cation." Upon this principle, a change which shall result from a thorough understanding between His Catholick Majesty and the Cortes, will be considered to afford some prospect of the modifications which are indispensable to the security of neighbouring States. The French Government will not only be satisfied with the opening which any act (such as the establishment of a Second Chamber,) may offer, to complete, through the intervention of Great Britain, the system which is necessary for the Constitutional Government of Spain; but, without waiting for any further proofs of the sincerity of the Spanish Government, they will consider any such act as affording reasonable grounds for suspending their armaments, and replacing the relations between the two Countries upon the footing usual in time of Peace;—though, since he cannot suppose that we consider mere fair assurances to be sufficient, we must not be surprized if preparations for War are, in the mean time, carried on without intermission.

M. de Chateaubriand did not enter into any detail respecting the nature of the Acts to which he alluded; but I understood him to refer to the project of allowing the King the nomination of Councillors of State, and giving them a deliberative power, upon a similar principle with that of the American Senate; to which might be added, a regulation fixing the amount of the qualification required, to render a Candidate eligible to the Second, or Representative Chamber.

With a view to avoid the possibility of any misrepresentation, I have read to M. de Chateaubriand that part of this Despatch, which states the expectations entertained by the French Government, and have ascertained that his ideas are correctly reported. The communication of the same extract to * ——— enables me to say, that it contains notions which, in the opinion of that gentleman, will be considered admissible in Spain; and which may afford sufficient grounds for further communications on the part of Sir William A'Court to the Spanish Government.

* A Spanish Gentleman at Paris.

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No. 30.

Sir William à Court to Mr. Secretary Canning.—Received Feb. 13.

Sir, *Madrid, 27th January*, 1823.

THE French Minister received two Despatches from M. de Chateaubriand by the last Courier, the one to be communicated to M. de San Miguel at the same time that he demanded his passports; the other to be read to him, as well as to the King, previous to his departure.

The first, which has already been communicated, contains little more than expressions of regret that the answer of the Spanish Government should have been so very unsatisfactory, leaving no other alternative to the French Government than of recalling its Legation.

The second goes more into detail. It states that, after the fruitless efforts made by the Representatives of the Continental Powers, as well as by Sir William A'Court and Lord Fitzroy Somerset (the last of whom, it must be observed, had not left Paris seven days, and was not even arrived at Madrid when the French Despatch was written) to engage the Spanish Government to listen to the suggestions of reason, and to adopt a line of greater moderation, no other course remains to the Government of His Most Christian Majesty than that of recalling its Minister from Madrid:—that this is the only step left for the maintenance of Peace:—that the Duke of Angoulême is upon the point of placing himself at the head of 100,000 men upon the frontier:—and that if the King of Spain, released from his present thraldom, and placed at the head of his Army, shall be allowed to advance to the Banks of the Bidassoa, in order to treat with Him, a firm and durable Peace may be established between the two Countries;—the ancient intimate connexion between France and Spain restored; and the Fleets, Armies and Resources of France be placed from that moment entirely at the disposal of His Catholic Majesty:—That France does not pretend to dictate to Spain the precise modifications she ought to adopt in her Constitution; but in order not to expose herself to the charge of having intentionally left her wishes unexplained, She declares that she will not renew her relations of Amity with this Country, until a system be established, with the consent of, and in concert with, the King, assuring alike the liberties of the Nation and the just privileges of the Monarch; and until a general Act of Amnesty be passed in favour of every Individual persecuted for political offences from the promulgation of the Constitution in 1812, down to the present period.

I write this from recollection; but I am perfectly certain that, though I may not have given in every instance the precise words used, I have in no way varied from the meaning. This Paper has already been read by General La Garde to the King; and he will probably communicate its contents to M. San Miguel in the course of the morning.

I have the honour to be, &c.

(Signed) WILLIAM à COURT.

No. 31.

Sir William à Court to Mr. Secretary Canning.—Received February 17.

(Extract.) *Madrid, February* 4, 1823.

MR. JACKSON arrived this morning, bringing me several Despatches from Sir Charles Stuart, and amongst others, a Copy of his Despatch to you,

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Sir, of the 28th ultimo, detailing his conversation with M. de Chateaubriand, after the communication of M. de San Miguel's Note to me of the 12th January.

I immediately proceeded to make known the contents of this Despatch to M. de San Miguel; being extremely anxious to prevent the adoption of any violent measures, in consequence of the arrival of the King of France's Speech to the Chambers, which reached Madrid last night.

After I had read the whole to M. de San Miguel (and some parts of it, by his own desire, a second time,) he broke out into exclamations against the general conduct of the French Government; expressing his conviction that a War was inevitable:—He said, that Spain would never admit that the Constitution emanated from the King, nor recognize any other Sovereignty than that of the people:—that a Manifesto was preparing, in which His Majesty would speak His Sentiments to Europe, and that these sentiments would be found in unison with the Answer which he had lately delivered to the Cortes:—that Spain was prepared to repel force by force; and that France would find, that the War would be a much more serious undertaking than She seemed at present to imagine it would be.

He requested me to leave him for an hour the copy of Sir Charles Stuart's Despatch. I did not hesitate in complying with this request, upon the condition that it was to be considered as a strictly confidential communication. . . . . .

No. 32.

Sir William à Court to Mr. Secretary Canning.—Received February 22.

(Extract.) *Madrid, February 7*, 1823.

SIR CHARLES STUART has forwarded to me your Despatch to him, inclosing M. de San Miguel's Note, and a copy of his Despatch to you of the 30th ultimo.

I must await your further Instructions, after the receipt of Sir Charles Stuart's Despatch, announcing the manner in which this overture has been received by France, before I can venture to advance any further. By Sir Charles Stuart's account, it appears that France has neither quite accepted, nor quite declined, our interference; and M. de Chateaubriand's statement of the conditions necessary to the establishment of amicable relations between the two Countries, is so extremely vague, that I should really be at a loss to inform this Government, if called upon to do so, what are the precise concessions which would ensure the maintenance of Peace.

I shall, however, not lose sight of the Amnesty, but press it by every argument in my power. I have some reason to believe that such a measure will not be opposed by any Party. One object is already gained, viz. that of the shutting up of the Landaburian Society. If this be followed up by a General Amnesty, I shall not yet despair of arriving at that first of objects, the prevention of a Continental War.

I had written thus far when I was interrupted by the arrival of M. San Miguel.

M. San Miguel observed, that with respect to modifications, there was neither a man nor a party in Spain (were the Ministry to be changed a hundred times) who would venture to propose their adoption, till the time pointed out by the Constitution; and that, had any hopes been held out to me of an opposite nature, I might depend upon it they never would be realized. M. San Miguel's conversation was nevertheless less war-like than I found it a day or two ago. He would not, he said, consider all hope of negotiation at an

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end, but still rely for a successful issue from the present difficulties, upon the friendship and good offices of England. He was convinced that She might, and that She would prevent a War.

I told him that England had done, and would continue to do, every thing in Her power to prevent matters from coming to such extremities; but my own opinion was, that War was inevitable, if Spain were really determined to admit no modification in Her present Constitutional System. This would not prevent our endeavouring to avert such a misfortune by every means within our reach, short of involving ourselves in the quarrel; but that I could not flatter him with any hope that our efforts would be successful, unless we were enabled to hold out to France, the prospect of some concession on the part of this Country.

A long and desultory conversation followed, which it will be unnecessary to repeat; in the course of which, M. San Miguel put very prominently forward, the evident acknowledgement of the intention to establish a permanent French Interest in Spain, contained in certain passages of the King of France's Speech to the Chambers.

No. 33.

Sir Charles Stuart to Mr. Secretary Canning.—Received Feb. 23.

(Extract.) *Paris, February* 21, 1823.

MONSIEUR DE CHATEAUBRIAND said, that he had turned over the subject in his own mind, with a view to decide upon what terms it might be possible to meet the proposals they might receive;—and though he could not state the result of his reflections to be the expression of the sentiments of the French Government,—yet he thought the subject might be taken into consideration, if the Spanish Negotiators should engage at a future period, to modify their Constitution; and, in the mean while, prove their good faith, by restoring the King to his physical Liberty, and allowing Him to frequent the *Sitios*, and to go to Watering Places; by a General Amnesty; by the Establishment of Laws to regulate the Press,—and by a change of Ministry; but that the Military Preparations of the French Government must continue without intermission; and that their Armies will be ready to take the Field, if a change in the aspect of Affairs does not contribute to remove the pressure and irritation which prevails on both sides, before the season for active operations shall arrive.

No. 34.

Sir William à Court to Mr. Secretary Canning.—Received March 3.

(Extract.) *Madrid, February* 16, 1823.

THE Debate upon the subject of the removal of the Seat of Government, passed off without any thing being elicited from either Party, which could give an opening for the discussion of the possibility of an arrangement through the Good Offices of England.

The Extraordinary Cortes will close on the 19th instant, and the Ordinary Cortes will assemble on the first day of March.

The Question of an Amnesty, for all those who shall lay down their arms before the entry of a foreign force, was subsequently brought forward, and referred to a Committee. An extension of this limited Amnesty, I am assured, will be proposed by the Committee, and it will be recommended that it

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should be made general. If this be done, and the proposal be adopted, it will be a very great point gained.

There is, however, but little hope that any of those further concessions will be made, which would ensure an amicable arrangement of the differences that exist between this Country and France. Besides which, the putting forward by France of so extravagant a proposition, as that the King, restored to His full and absolute power, shall himself grant a Charter to the Nation, has singularly increased the difficulties of the question. The principle upon which this proposition is founded, is one to which it is evident the British Government can never agree; and consequently if such be the *sine qud non* of France, our Intervention falls to the ground.

No. 35.

Sir William A'Court to Mr. Secretary Canning.—Received March 3.

(Extract.) *Madrid, Fobruary* 18, 1823.

MY hopes have been grievously disappointed with respect to the Amnesty; which, I was confidently assured, would embrace every political Offence, and every political Offender. But neither by the Committee, nor in the Cortes, has the slightest allusion been made to so general a measure, notwithstanding the hopes that were held out. The Amnesty voted, is nothing more than an Act of Pardon for any "Factious," who may lay down their Arms before the 1st of April; without any retrospective operation in favour of those already in prison, or any allusion to those confined merely for political opinions. It is a mere Act of Policy, and by no means an Act of Grace; nor can it be expected to produce that favourable effect in France, which might have been insured by a more general measure.

A Report was circulated a few days since, that the King, with the concurrence of the Council of State, had determined upon a change of Ministers:—From the variety of quarters from whence this Report reached me, I was inclined to believe that it was not without some foundation, and that His Majesty's intention was to have requested the Council of State to choose a new Ministry for him, selected from their own Body. Alarmed by the Reports in circulation, the Ministers obtained from the Cortes this morning, the Repeal of the Decree authorizing the employment of Councillors of State, with the exception of those already employed.—The Repeal of this Decree, though it may not prevent a change of Ministers, effectually puts an end to the Administration which it was proposed to form.

No. 36.

Sir William à Court to Mr. Secretary Canning.—Received March 3.

(Extract.) *Madrid, February* 19, 1823.

SIR CHARLES STUART's Secretary arrived last night, bringing me your Despatch of the 9th instant *. He also brought me an Extract of Sir Charles Stuart's Despatch to you of the 10th instant, by which I learn, for the first time, the exact concessions which will satisfy France, and engage her to put an end to her armaments. What use I shall be able to make of these communications, I cannot yet foresee.

* No. 10.

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The Cortes were closed this morning in the usual form, after which the Ministers tendered their resignations.

P. S. The Resignations are all accepted, except that of the Minister of Finance. The Heads of the several departments are to act as Ministers till a new Administration be formed.

No. 37.

Sir William à Court to Mr. Secretary Canning.—Received March 3.

(Extract.) *Madrid, February* 20, 1823.

HIS Catholick Majesty has been pleased to re-appoint the same Ministers *ad interim.*

I shall endeavour to see Monsieur de San Miguel to-morrow, in order to communicate to him your Despatch of the 9th instant; and the Propositions contained in Sir Charles Stuart's Letter of the 10th of February; but I am perfectly persuaded that all my efforts will be vain.

No. 38.

Sir Charles Stuart to Mr. Secretary Canning.—Received March 9.

(Extract.) *Paris, March* 6, 1823.

I CANNOT help thinking that there is in the language of the Ministers a more pacifick colour, than I had observed within the last three weeks; for both to myself, and to all those with whom they converse, Monsieur de Villèle and Monsieur de Châteaubriand express their hopes of averting a War, with a degree of confidence which induced me to observe to the latter Minister, that the insisting upon a direct negotiation between the Duke d'Angoulême and a Spanish Prince, may be a great obstacle to success. His Excellency answered, that although this mode of settling the question had been strongly urged, he could assure me the objects of the negotiation are too important, not to be sought for by the concession, if necessary, of this, or of any other mere point of form; and that if the Spanish Government will empower any negotiator to treat, after a change of Ministers at Madrid, he shall be able to look forward with confidence to the contir uation of Peace.

I cannot, however, participate in the hopes, which the French Cabinet found upon the intelligence they expect to receive from Madrid: I consider late events to be the prelude to War.

No. 39.

Sir William à Court to Mr. Secretary Canning.—Received March 13.

(Extract.) *Madrid, February* 23, 1823.

M. San Miguel called on me this morning, for the purpose of exchanging the Ratifications of the Articles respecting the Slave Trade.

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Having gone through that ceremony, I informed him that I had communications of some importance to make to him, which the troubled state of the Capital for several days past, and my own continued indisposition, had prevented me from submitting to his consideration at an earlier period.

Having thus drawn his attention to what I was about to say, I produced your despatch of the 9th February, and an Extract from Sir Charles Stuart's despatch to you, of the 10th February; and proceeded to read to him those parts of each which I thought the most calculated to produce a favourable effect, accompanying my reading with such remarks as the nature of the communication required.

M. de San Miguel listened with the greatest attention; but as soon as I had concluded, observed, that the British Government was labouring under a delusion, in supposing any sort of modification possible. It would be a much easier thing to overturn the whole Constitutional System, and to re-establish absolute Despotism, than to concede even the most insignificant of the points which had been pointed out as the most likely to conciliate.

He was fully aware that England asked no modifications on Her own account. He knew that We wished to preserve to Spain Her Constitutional System; that our only object in trying to engage Her to yield upon certain points, was the conviction that if a War did break out, We must be, sooner or later, involved in it ourselves. He knew very well that We should not declare in favour of Spain at first; but nobody could be so blind as not to see, that, if the War was protracted, and other Powers took part in it, England alone could not remain a passive spectator of what might be its results.

No. 40.

Sir William à Court to Mr. Secretary Canning—Received March 16.

(Extract.) *Madrid, March 5. 1823.*

A SPANISH Gentleman at Paris has written from Paris to ——— ———, that the French Government has declared that it will suspend hostilities if a general Amnesty be granted, a verbal promise of Modifications hereafter be given, a change of Ministers take place, and the King be permitted to go to the Waters of Sacedon.

That the Negotiation must be carried on at Paris through the Mediation of the British Ambassador; ——— ——— quotes Sir Charles Stuart as his authority, and refers his friends to me for further information.

Now I have heard nothing from Sir Charles Stuart since the 20th ult. when he still referred me to his Despatch to you of the 10th of February, as containing the final determination of the French Government. That determination is very widely different from the arrangment alluded to by ———

No. 41.

Sir William à Court to Mr. Secretary Canning.—Received March 18 at night.

(Extract.) *Madrid, March 9, 1823.*

I SAW Monsieur de San Miguel this morning, and to my great astonishment, he asked me what were the precise Conditions required by France, in case any questions should be asked him in Cortes. I repeated to him the

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Conditions stated in Sir Charles Stuart's Despatch of the 10th February, and those (hardly to be considered official) contained in the same Ambassador's Despatch of the 21st February;* and, according to his request I sent him, upon my return home, an Extract from the Despatch of the 10th February. What is in agitation I know not.—He told me he should say nothing upon the subject, unless called upon by the Cortes; and that if any negotiations were entered into, *he* would not be the person to negotiate.

I should only mislead you if I were to attempt to give any explanation of this singular conversation.

* See No. 33, a Copy of which was received by Sir William à Court, subsequently to his Letter of the 5th March.

No. 42.

Sir William à Court to Mr. Secretary Canning.—Received March 25.

(Extract.) *Madrid, March* 11, 1823.

IN a few hurried lines, written as the last Courier was setting off, I communicated to you a singular conversation which had passed between M. de San Miguel and myself.

I forbore to express any opinion upon this conversation; but whatever hopes some of his expressions were calculated to excite, are now entirely at an end.

No. 43.

Mr. Secretary Canning to Sir Charles Stuart.

Sir, *Foreign Office, March* 31, 1823.

THE hopes of an accommodation between France and Spain, which His Majesty has so long been encouraged to cherish in despite of all unfavourable appearances, being now unhappily extinguished, I am commanded by His Majesty to address to your Excellency, for the purpose of being communicated to the French Minister, the following explanation of the sentiments of your Government upon the present posture of affairs between those two Kingdoms.

The King has exhausted His endeavours to preserve the Peace of Europe.

The question of an interference in the internal concerns of Spain, on account of the troubles and distractions which have for some time prevailed in that Kingdom, was not one on which His Majesty could, for Himself, entertain a moment's hesitation. If His Majesty's Plenipotentiary at Verona did not decline taking part in the deliberations of the Allied Cabinets upon that question, it was because His Majesty owed to His Allies, upon that as upon every other subject, a sincere declaration of His opinions; and because He hoped that a friendly and unreserved communication might tend to the preservation of general Peace.

The nature of the apprehensions which had induced the King of France to assemble an Army, within His own frontier, upon the borders of Spain, had been indicated, in the first instance, by the designation of the "Cordon Sanitaire." The change of that designation to that of an "Army of Observation" (which took place in the month of September last) did not appear to His Majesty to imply more, than that the defensive system originally opposed to the contagion of physical disease, would be continued against the possible inconve-

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niences, moral or political, which might arise to France, from a civil contest raging in a Country separated from the French territory only by a conventional line of demarcation. The dangers naturally incident to an unrestrained intercourse between two Countries so situated towards each other;—the dangers of political intrigue, or of occasional violation of territory, might sufficiently justify preparations of military defence.

Such was the state of things between France and Spain at the opening of the Congress at Verona. The propositions brought forward by the French Plenipotentiary in the Conferences of the Allied Cabinets, were founded on this state of things. Those propositions did not relate to any project of carrying attack into the heart of the Spanish Monarchy, but were in the nature of inquiries: 1st, what countenance France might expect to receive from the Allies, if She should find Herself under the nececsity of breaking off diplomatick intercourse with the Court of Madrid? and, 2dly, what assistance, in supposed Cases of outrage to be committed, or of violence to be menaced, by Spain? These Cases were all contingent and precautionary. The Answers of the three Continental Powers were of a correspondent character.

The result of the discussions at Verona, was a determination of His Majesty's Allies, the Emperors of Austria and Russia and the King of Prussia;—1st. To make known to the Cabinet of Madrid, through their respective Ministers at that Court, their sentiments upon the necessity of a change in the present system of the Spanish Government; and, in the event of an unsatisfactory answer to that communication, to recall their respective Ministers; and to break off all diplomatick intercourse with Spain. 2dly. To make common cause with France against Spain, in certain specified Cases; Cases, as has been already observed, altogether contingent and precautionary.—

His Majesty's Plenipotentiary declined concurring in these measures; not only because he was unauthorized to pledge the faith of his Government to any hypothetical engagement, but because his Government had, from the month of April 1820, uniformly recommended to the Powers of the Alliance, to abstain from all interference in the internal affairs of Spain; and because, having been from the same period, entirely unacquainted with whatever transactions might have taken place between France and Spain, his Government could not judge, on what grounds the Cabinet of the Tuileries meditated a possible discontinuance of diplomatick relations with the Court of Madrid; or on what grounds they apprehended an occurrence, apparently so improbable, as a commencement of hostilities against France by Spain.

No proof was produced to His Majesty's Plenipotentiary of the existence of any design on the part of the Spanish Government, to invade the territory of France;—of any attempt to introduce disaffection among her Soldiery;—or of any project to undermine her political institutions: and so long as the struggles and disturbances of Spain should be confined within the circle of her own Territory, they could not be admitted by the British Government to afford any plea for foreign interference. If the end of the last, and the beginning of the present century saw all Europe combined against France, it was not on account of the internal changes which France thought necessary for her own political and civil reformation; but because She attempted to propagate, first her principles, and afterwards her dominion, by the sword.

Impossible as it was for His Majesty to be party to the measures concerted at Verona with respect to Spain, His Majesty's Plenipotentiary declared, that the British Government could only endeavour through His Majesty's Minister at the Court of the Catholick King, "to allay the ferment which those measures might occasion at Madrid, and to do all the good in His power."

Up to this period no communication had taken place between His Majesty and the Court of Madrid, as to the discussions at Verona. But about the time of the arrival of His Majesty's Plenipotentiary, on his return from Ve-

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rona, at Paris, Spain expressed a desire for the "friendly interposition," of His Majesty, to avert the calamities of War. Spain distinctly limited this desire to the employment of such "Good Offices," on the part of Great Britain, as would not be inconsistent with "the most strictly conceived system of Neutrality."---Nor has any period occurred, throughout the whole of the intercourse of the British Government with Spain, at which the Spanish Government has been for one moment led, by that of Great Britain, to believe, that the policy of His Majesty, in a contest between France and Spain, would be other than neutral.

In pursuance of this request, and of his previous declaration at Verona, His Majesty's Plenipotentiary received instructions at Paris, to make to the French Government the offer of His Majesty's Mediation. In making this offer, the British Government deprecated, from motives of expediency as well as from considerations of justice, the employment towards Spain of a language of reproach or of intimidation. They represented as matter of no light moment, the first breach, by whatever Power, of that general pacific Settlement which had been so recently established, and at the cost of so many sufferings and sacrifices to all Nations. Nor did they disguise from the French Government, the anxiety with which they looked forward to all the possible issues of a new War in Europe, if once begun.

In addition to suggestions such as these, the British Government endeavoured to learn from the Cabinet of the Tuilleries, the nature and amount of the specifick grievances, of which His Most Christian Majesty complained, against Spain; and of such specifick measures of redress or conciliation on the part of Spain, as would arrest the progress of His Most Christian Majesty's warlike preparations.

The French Government declined the formal Mediation of His Majesty; alleging, in substance, that the necessity of its warlike preparations was founded, not so much upon any direct cause of complaint against Spain, which might be susceptible of accurate specification and of practical adjustment, as upon the general position in which the two Kingdoms found themselves placed towards each other;—upon the effect which all that was passing and had been for some time passing in Spain, produced upon the peace and tranquillity of His Most Christian Majesty's dominions;—upon the burdensomeness of that defensive armament which France had thought herself obliged to establish on her frontier towards Spain, and which it was alike inconvenient to her to maintain, or, without some change of circumstances which would justify such change of counsel, to withdraw;—upon a state of things in short, which it was easier to understand than to define; but which, taken altogether, was so intolerable to France, that open hostility would be far preferable to it.—War would at least have a tendency to some conclusion; whereas the existing state of the relations between France and Spain might continue for an indefinite time; increasing every day the difficulties of Spain, and propagating disquietude and alarm throughout the French Army and Nation.

But although His Most Christian Majesty's Government declined on these grounds, a formal Mediation, they professed an earnest desire for Peace, and accepted His Majesty's "Good Offices" with Spain for that object.

Contemplating all the mischiefs which War might inflict upon France, and through France ultimately perhaps upon all Europe; and which it must inflict, more immediately and inevitably, upon Spain,—whose internal animosities and agitations a foreign War could not but exasperate and prolong,—the British Government was deeply impressed with the necessity of Peace for both Kingdoms; and resolved, therefore, whether invested or not with the formal Character of Mediator, to make every effort, and to avail itself of every chance, for the prevention of hostilities. The question was now become a question simply and entirely between Spain and France; and the practical point of

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inquiry was not so much how the relations of those two Governments had been brought into their present awkward complication; as how that complication could be solved, without recourse to arms, and an amicable adjustment produced, through mutual explanation and concession.

Nothing could have induced His Majesty to suggest to the Spanish Nation a revision of its political institutions, as the price of His Majesty's Friendship. But Spaniards, of all parties and descriptions, admitted some modifications of the Constitution of 1812, to be indispensably necessary: and if in such a crisis as that in which Spain now found herself,—distracted at once by the miseries of civil war, and by the apprehension of foreign invasion,—the adoption of modifications, so admitted to be desirable in themselves, might afford a prospect of composing her internal dissensions, and might at the same time furnish to the French Government a motive for withdrawing from the menacing position which it had assumed towards Spain, the British Government felt that no scruple of delicacy, or fear of misconstruction, ought to restrain them from avowing an earnest wish, that the Spaniards could prevail upon themselves to consider of such modifications, or, at least, to declare their disposition to consider of them hereafter.

It is useless now to discuss what might have been the result of His Majesty's anxious endeavours to bring about an accommodation between France and Spain, if nothing had occurred to interrupt their progress. Whatever might be the indisposition of the Spanish Government to take the first step towards such an accommodation, it cannot be disguised, that the principles avowed and the pretensions put forward by the French Government, in the Speech from the Throne at the Opening of the Chambers at Paris, created new obstacles to the success of friendly intervention. The communication of that Speech to the British Government was accompanied, indeed, with renewed assurances of the pacifick disposition of France; and the French Ministers adopted a construction of the passage most likely to create an unfavourable impression in Spain, which stripped it of a part of its objectionable character. But all the attempts of the British Government to give effect at Madrid to such assurances and explanations, proved unavailing. The hopes of success became gradually fainter: and have now vanished altogether.

It remains only to describe the Conduct which it is His Majesty's desire and intention to observe, in a conflict between two Nations, to each of whom His Majesty is bound by the ties of Amity and Alliance.

The repeated disavowal, by His Most Christian Majesty's Government, of all views of ambition and aggrandisement, forbids the suspicion of any design on the part of France, to establish a permanent military occupation of Spain; or to force His Catholick Majesty into any measures, derogatory to the independence of his Crown, or to his existing relations with other Powers.

The repeated assurances which His Majesty has received, of the determination of France to respect the dominions of His Most Faithful Majesty, relieve His Majesty from any apprehension of being called upon to fulfil the obligations of that intimate defensive Connection, which has so long subsisted between the Crowns of Great Britain and Portugal.

With respect to the Provinces in America, which have thrown off their allegiance to the Crown of Spain, time and the course of events appear to have substantially decided their separation from the Mother Country; although the formal recognition of those Provinces, as Independent States, by His Majesty, may be hastened or retarded by various external circumstances, as well as by the more or less satisfactory progress, in each State, towards a regular and settled form of Government. Spain has long been apprised of His Majesty's opinions upon this subject. Disclaiming in the most solemn manner any intention of appropriating to Himself the smallest portion of the late Spanish possessions in America, His Majesty is satisfied that no at-

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tempt will be made by France, to bring under her dominion any of those possessions, either by conquest, or by cession, from Spain.

This frank explanation upon the points on which perhaps alone the possibility of any collision of France with Great Britain can be apprehended in a War between France and Spain, your Excellency will represent to M. de Chateaubriand, as dictated by an earnest desire to be enabled to preserve, in that War, a strict and undeviating Neutrality: a Neutrality not liable to alteration towards either Party, so long as the Honour and just Interests of Great Britain are equally respected by both.

I am commanded, in conclusion, to direct your Excellency to declare to the French Minister, that His Majesty will be at all times ready to renew the interposition of His Good Offices, for the purpose of terminating those Hostilities, which His Majesty has so anxiously, although ineffectually, endeavoured to avert.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency the Rt. Hon. Sir Charles Stuart, G. C. B.
&c. &c. &c,

Printed by R. G. Clarke, at the London Gazette-Office, Westminster.

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ADDITIONAL PAPERS

SPAIN.

FRANCE.

PORTUGAL.

Presented to both Houses of Parliament by His Majesty's Command

April 1823.

LONDON:

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SPAIN

No. 1.

Confidential Minute of Viscount Castlereagh on the Affairs of Spain.

Communicated to the Courts of Austria, France, Prussia and Russia in May, 1820.

(Extract.)

THE events which have occurred in Spain have, as might be expected, excited, in proportion as they have developed themselves, the utmost anxiety throughout Europe.

The British Cabinet upon this, as upon all other occasions, is ever ready to deliberate with those of the Allies, and will unreservedly explain itself upon this great question of common interest; but as to the form in which it may be prudent to conduct these deliberations, they conceive, they cannot too early recommend that course of deliberation which will excite the least attention or alarm, or which can least provoke jealousy in the minds of the Spanish Nation or Government. In this view, it appears to them advisable, studiously to avoid any re-union of the Sovereigns;—to abstain, at least in the present stage of the question, from charging any ostensible Conference with commission to deliberate on the affairs of Spain. They conceive it preferable that their intercourse should be limited to those confidential communications between the Cabinets, which are, in themselves, best adapted to approximate ideas, and to lead, as far as may be, to the adoption of common principles, rather than to hazard a discussion in a Ministerial Conference, which, from the necessarily limited powers of the individuals composing it, must ever be better fitted to execute a purpose already decided upon, than to frame a course of policy under delicate and difficult circumstances.

There seems the less motive for precipitating any step of this nature in the case immediately under consideration, as, from all the information which reaches us, there exists in Spain no Order of Things upon which to deliberate; nor as yet any Governing Authority with which Foreign Powers can communicate.

The King's Authority, for the moment at least, seems to be dissolved. His Majesty is represented, in the last Despatches from Madrid, as having wholly abandoned Himself to the tide of events, and as conceding whatever is called for by the Provisional Junta and the Clubs.

The authority of the Provisional Government does not appear to extend beyond the two Castilles and a part of Andalusia:—Distinct local authorities prevail in the various provinces, and the King's personal safety is regarded as extremely liable to be hazarded, by any step which might lay Him open to the suspicion of entertaining a design to bring about a Counter-Revolution, whether by internal or external means.

This important subject having been referred to, and considered by, the Duke of Wellington, his Memorandum accompanies this Minute.—His Grace does not hesitate, upon his intimate experience of Spanish affairs, to pronounce, that the Spanish Nation is, of all the European People, that, which will least brook any interference from abroad; he states the many instances in which, during the last War, this distinguishing trait of national character rendered them obstinately blind to the most pressing considerations of public safety: he states the imminent danger in which the sus-

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picion of foreign interference, and more especially of interference on the part of France, is likely to involve the King;—and he further describes the difficulties which would oppose themselves to any military operations in Spain, undertaken for the purpose of reducing, by force, the Nation to submit themselves to an order of things, to be either suggested or prescribed to them from without.

Sir Henry Wellesley has, in coincidence with this opinion, reported the alarm which the intended Mission of M. de La Tour du Pin had excited at Madrid, the prejudice which, in the opinion of all the Foreign Ministers at Madrid; it was calculated to occasion to the King's interests and possible safety. He also reports the steps which it was in contemplation to have adopted, on the part of the King, to endeavour to prevent the French Minister from prosecuting his journey to Madrid, when the intelligence of the abandonment of the Mission was received from Paris.

At all events, therefore, until some central authority shall establish itself in Spain, all notion of operating upon her councils seems utterly impracticable; and calculated to lead to no other possible result, than that of compromising either the King or the Allies, or probably both.

The present state of Spain, no doubt, seriously extends the range of political agitation in Europe, but it must nevertheless be admitted, that there is no portion of Europe of equal magnitude, in which such a Revolution could have happened, less likely to menace other States with that direct and imminent danger, which has always been regarded, at least in this Country, as alone constituting the case which would justify external interference. If the case is not such as to warrant such an interference;—if we do not feel that we have at this moment either the right or the means to interfere with effect by force;—if the semblance of such an interference is more likely to irritate than to overawe, and if we have proved, by experience, how little a Spanish Government, whether of King or Cortes, is disposed to listen to advice from Foreign States, is it not prudent at least to pause, before we assume an attitude which would seem to pledge us in the eyes of Europe to some decisive proceeding? Before we embark in such a measure, is it not expedient at least to ascertain with some degree of precision, what we really mean to do? This course of temperate and cautious policy, so befitting the occasion and the critical position in which the King is personally placed, will in no degree fetter our action, when, if ever, the case for acting shall arise.

In the mean time, as independent States, the Allied Powers may awaken, through their respective missions at Madrid, with not less effect than would attend any joint representation, a salutary apprehension of the consequences that might be produced by any violence offered to the King's Person or Family, or by any hostile measures directed against the Portuguese Dominions in Europe, for the protection of which Great Britain is bound by specifick Treaty.

In conveying any such intimation, however, the utmost delicacy should be observed; and though it is to be presumed that the views and wishes of all the Allied Powers must be essentially the same, and that the sentiments they are likely to express cannot materially differ, it does not follow that they should speak either in their corporate character, or through any common organ,—both which expedients would be calculated rather to offend, than to conciliate or persuade.

There can be no doubt of the general danger which menaces more or less the stability of all existing Governments, from the principles which are afloat, and from the circumstances that so many States of Europe are now employed in the difficult task of casting anew their Governments upon the representative principle;—but the notion of revising, limiting or regulating the course of such experiments, either by foreign council or by foreign force, would be as dangerous to avow, as it would be impossible to execute; and the illusion too prevalent on this subject, should not be encouraged in our intercourse with the Allies.—That circumstances might arise out of such experiments in any

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country directly menacing to the safety of other State, scannot be denied, and against such a danger, well ascertained, the Allies may justifiably, and must in all prudence, be on their guard; but such is not the present case.—Fearful as is the example which is furnished by Spain, of an Army in revolt, and a Monarch swearing to a Constitution which contains in its frame hardly the semblance of a Monarchy, there is no ground for apprehension that Europe is likely to be speedily endangered by Spanish arms.

* * * * * * * * * *

In this Alliance, as in all other human Arrangements, nothing is more likely to impair, or even to destroy it's real utility, than any attempt to push it's duties and it's obligations beyond the sphere which it's original conception and understood principles will warrant.—It was an union for the reconquest and liberation of a great proportion of the Continent of Europe from the Military dominion of France; and having subdued the Conqueror, it took the state of Possession, as established by the Peace, under the protection of the Alliance.—It never was, however, intended as an Union for the Government of the World, or for the Superintendence of the internal Affairs of other States.

* * * * * * * * * *

We shall be found in our place when actual danger Menaces the system of Europe; but this Country cannot, and will not, act upon abstract and speculative Principles of Precaution. The Alliance which Exists had no such purpose in view in it's original formation.—It was never so explained to Parliament; if it had, most assuredly the sanction of Parliament would never have been given to it; and it would now be a breach of faith, were the Ministers of the Crown to acquiesce in a construction being put upon it, or were they to suffer themselves to be betrayed into a course of measures, inconsistent with those principles which they avowed at the time, and which they have since uniformly maintained both at home and abroad.

No. 2.

Instructions drawn up by the Marquess of Londonderry, and transferred to the Duke of Wellington, September 14, 1822.

(Extract.)

WITH respect to Spain, there seems nothing to add to, or vary, in the course of policy hitherto pursued:—Solicitude for the safety of the Royal Family;—Observance of our engagements with Portugal,—and a rigid abstinence from any interference in the internal affairs of that Country,—must be considered as forming the Basis of His Majesty's Policy.

No. 3.

The Duke of Wellington to Mr. Secretary Canning.—Received November 7.

(Extract.) *Verona, October* 29, 1822.

I SHALL object to every thing, excepting that the Allies should call upon France to explain herself; and then that they should recommend to her, if Peace be her object, as it must be that of the other Powers, that She should ask for the good offices of one of her Allies, to explain to Spain her desire to remain at Peace.

If the Allies should agree to recommend this line, and should enter into no Treaty, nor make any Declaration, hostile to Spain, and France should then desire the Good Offices of England, I shall consent to give them. But if there should be any defensive Treaty, or even Declaration against Spain on the part of the Allies, I shall consider it my duty to decline to become a party

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to either, and shall endeavour to make them feel, collectively, that the Treaty or Declaration will only render useless the efforts of the Power which is to use its Good Offices to maintain Peace; and I shall also decline to consent, on the part of my Government, to use such Good Offices: but if pressed to do so, I shall take the demand *ad referendum*.

No. 4.

Mr. Secretary Canning to the Duke of Wellington.

(Extract.) *Foreign Office, November* 8, 1822.

I AM to signify to your Grace His Majesty's entire approbation of your conduct and language in respect to the affairs of Spain;—and particularly of the determination not to promise the Good Offices of His Majesty between that Country and France, in any other case than that of a simple and specifick request to that effect on the part of France, unaccompanied by "any Treaty or any Declaration of the Allies hostile to Spain."

No. 5.

Memorandum relative to the Conduct of Spain, communicated by M. de Jabat to Mr. Secretary Canning on the 18*th February* 1823.

SI l'on veut des preuves de la moderation de l'Espagne, et du peu de fondement avec lequel on l'accuse de poursuivre le système de propaganda politique, voici trois faits irrecusables. La Junta d'Oporto démande en 1820, des troupes Espagnoles,—refusé. Le Gouvernement de Naples au commencement de 1821 fait la même pétition,—refusé. En 1822 on fait retirer jusqu'à 30 lieues dans l'intérieur du pays, sur la démande de la France, les refugiés françois, Capitaine Nantil, &c. tandis que les Généraux Eguia, Abreu, &c. et la soi-disant Régence, organisoient à Bayonne et à Perpignan les Bandes de la Foi.

En 1822 nous avons réfusé les services de trois regimens françois de l'Armée d'Observation. Jusqu'aujourd'hui on ne pourra citer aucun soldat ou paysan françois que nous avons séduit, armé, soldé et lancé dans le sein de sa patrie pour la déchirer. Nous n'avons pas arboré le pavillon tricolore; nous n'avons pas réfusé de publier une Amnistie généreuse et salutaire; nous n'avons pas invité à des soirées d'étiquette les François expatriés et conspirateurs; nous n'avons pas toléré qu'un individu à Madrid s'affublât publiquement du titre de Chargé d'Affaires de la Régence de France, tandisque S. E. M. de Lagarde étoit Ambassadeur de S. M. très Chrétienne prés S. M. Catholique: enfin nous n'avons rien fait (car ces Preuves négatives pourroient former un Catalogue trop diffus). Nous n'avons rien fait contre les François de ce que les François (c'est à dire le Gouvernement François,) a fait contre nous, et nous avons fait pour les Gouvernemens qui nous excommunient, ce qu'aucun d'eux n'a fait pour nous.

S'il s'agit de desaveux verbaux ou écrits, L'Angleterre en a reçu les plus solemnels au sujet du Portugal; L'Autriche au sujet de L'Italie; et l'Europe, surtout dans la Séance memorable du 11 Janvier, 1823, a entendu les représentants de L'Espagne déclarer à la fois, en appelant à l'histoire de ce qui s'est passé depuis 1808, jusqu'à 1814, & depuis 1820, jusqu'à 1823, 1°. que leur patrie ne se mêlera jamais des affaires intérieures d'autres Puissances, & 2^do^. qu'elle ne consentira non plus à la dictature scandaleuse qu'on veut lui imposer.

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(Translation of No. 5.)

Memorandum relative to the Conduct of Spain; communicated by M. de Jabat to Mr. Secretary Canning, on the 18th February 1823.

IF proofs of the moderation of Spain, and of the little foundation with which She is accused of following the system of propagating Her political principles, be required,—here are three undeniable facts:—The Junta of Oporto applies, in 1820, for Spanish troops; refused:—The Government of Naples, in the beginning of 1821, makes the same request; refused:—In 1822, on the application of France, the French Refugees, Captain Nantil, &c. were made to retire 30 leagues into the country, whilst the Generals Eguia, Abreu, &c. and the self-named Regency were organizing Bands of the Faith at Bayonne and Perpignan.

In 1822 We declined the services of three French Regiments of the Army of Observation. Up to this day, no French soldier or peasant can be cited whom We have seduced, armed, paid, and thrust into the bosom of his country to devastate it. We have not raised the Tricolor Flag; We have not refused to publish a generous and salutary Amnesty; We have not invited to evening assemblies of etiquette French Outlaws and Conspirators; We have not tolerated that an individual at Madrid should invest himself publickly with the title of Chargé d'Affaires of the Regency of France, whilst his Excellency, M. de Lagarde was Ambassador of His Most Christian Majesty, at the Court of His Catholick Majesty. In fine, We have done nothing (for these negative proofs might form too diffuse a Catalogue),—We have done nothing against the French of those things which the French (that is to say the French Government), have done against Us; and We have done for the Governments which excommunicate Us, what none of them have done for Us.

If there be any question of verbal or written disavowals, England has received the most solemn disavowals on the subject of Portugal; Austria on the subject of Italy; and Europe, especially in the memorable Sitting of the 11th January 1823, has heard the Representatives of Spain declare, in appealing for the truth of it to the history of what passed from 1808 to 1814, and from 1820 to 1823, both, 1st. That their Country will never interfere with the internal affairs of other Powers; and 2dly. That neither will She consent to the scandalous dictation which it is wished to impose upon Her.

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FRANCE.

No. 1.

Mr. Secretary Canning to Sir Charles Stuart.

(Extract.) *Foreign-Office, March 31st*, 1823.

THE Article, of which I enclose a copy, is contained in the Treaty between His Mejesty and the King of Spain of 1814, but has never been published. It was originally a *secret* article, but His Majesty having declined agreeing to it as such (from the opinion that it ought to be communicated to His Majesty's Allies), its title was changed from that of a *Secret* to a *Separate* Article. It formed part of the Treaty communicated to the Court of France in 1814, by the Duke of Wellington, then His Majesty's Ambassador at Paris; but it was omitted in the Copy of the Treaty laid before Parliament, at the express desire of the French Government, signified by the Prince de Talleyrand, then Minister for Foreign Affairs.

M. de Chateaubriand will, I have no doubt, at once acknowledge that such an act of compliance with the wishes of the French Government, enhances His Majesty's claim upon France, to respect the solemn obligation of this Article.

Your Excellency will particularly remark to M. de Chateaubriand, that the Treaty of 1814, was not negotiated till after our army had been withdrawn from Spain.

(Inclosure in No. 1.)

SEPARATE ARTICLE.

HIS Catholic Majesty engages not to enter into any Treaty or Engagement with France of the nature of that known under the denomination of the Family Compact, nor any other which may affect the independence of Spain, which may be injurious to the interests of His Britannick Majesty, or may be contrary to the strict Alliance which is stipulated by the present Treaty.

The present Separate Article shall form an integral part of the Treaty of Friendship and Alliance signed on the fifth day of July, and shall have the same force and validity as if it was inserted, word for word, and shall be ratified, and the ratifications shall be exchanged within forty days, or sooner if possible.

In Witness whereof, We, the undersigned Plenipotentiaries have signed, in virtue of our respective Full Powers, the present Separate Article, and sealed it with the Seals of our Arms.

Done at Madrid, this fifth day of July, One Thousand Eight Hundred and Fourteen.

(L. S.) M. EL DUQUE DE SAN CARLOS. (L. S.) H. WELLESLEY.

No. 2.

Sir Charles Stuart to Mr. Secretary Canning.—Received April 10.

(Extract.) *Paris, April 7*, 1823.

M. DE CHATEAUBRIAND assured me, that the French Government are quite resolved to respect the obligations of the article which I communicated to him.

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PORTUGAL.

No. 1.

Mr. Secretary Canning to Sir Charles Stuart.

(Extract.) *Foreign Office, December* 3, 1822.

YOUR Excellency will take an opportunity of obtaining from M. de Villèle some information respecting the nature of the recent communications between the French and the Portuguese Governments.

No. 2.

Sir Charles Stuart to Mr. Secretary Canning.—Received December 16.

(Extract.) *Paris, December* 12, 1822.

IN answer to the enquiries I have been authorized to bring forward, respecting the nature of the communications which have taken place between this Government and the Court of Portugal, the Duke Mathieu de Montmorency has shewn me the correspondence of the French Ministers with Monsieur de Lesseps.

It appears from this correspondence, that Monsieur Oliveira, the Portuguese Chargé d'Affaires at this Court, called upon Monsieur de Villèle in the course of the Summer, for the purpose of representing the anxiety to which the assembling of a French Force on the Pyrenees had given rise at Lisbon, and of expressing a hope that his Excellency would give him a full explanation of the views entertained by the French Government, with respect to Portugal. Monsieur de Villèle assured him, that nothing could warrant any feeling of uneasiness on the part of the Portuguese Government; that the distance of that Country had not permitted him to contemplate the possible effect, which the concentration of troops in France could produce upon a Nation, with whose Institutions or Government the French Ministers could have no desire to interfere.

No. 3.

The Viscomte de Chateaubriand to the Portuguese Chargé d'Affaires at Paris.

[Communicated by the Viscomte de Marcellus to Mr. Secretary Canning, March 7, 1823.]

(Extrait.)

LE Gouvernement Portugais croit devoir protester contre le principe enoncé dans le discours prononcé par S. M. le 28 Janvier, à l'ouverture de la presente Session. Le Roi de France est le maitre de tenir à Son Peuple le langage

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qu'il lui convient, et il seroit difficile de comprendre comment le Gouvernement Portugais se trouve offensé d'un discours adressé aux Deputés de la France.

Si l'Armée Francaise doit penetrer sur le territoire Espagnol M. le Chargé d'Affaires de Portugal sera parfaitement libre de quitter le territoire Francois comme il en a reçu l'ordre de son Gouvernement.

Si le Gouvernement Français est forcé de declarer la Guerre au Gouvernement Espagnol, ce n'est point pour soutenir des Théories Politiques, mais parceque sa sureté immédiate et ses interêts essentiels sont compromis par les transactions domestiques de l'Espagne. La France n'etant pas dans le même position avec le Portugal ne voit aucun motif plausible pour que le Gouvernement de S. M. T Fidèle rénonce à des relations de paix et d'amitié. La France espère qu elle n'aura point à repousser une aggression non provoquée ni à soutenir une guerre defensive, qui n'aurait pour base et pour prétexte de la part de ceux qui la déclareroient que l'énonciation d'un principe sur lequel repose le droit politique de la France.

Quant aux dispositions futures relatives à la residence des Consuls, le Gouvernement François n'a aucun besoin d'entrer en arrangement à cet égard puisque l'intention de Sa Majesté Tres Chretienne n'a été de rappeler du Portugal ni Son Chargé d'Affaires ni Ses Consuls. Elle prendra pour l'avenir Conseil de Sa Dignité.

Le Soussigné, &c.

(Signé) CHATEAUBRIAND.

(Translation of No. 3.)

The Viscomte de Chateabriand to the Portuguese Chargé d'Affaires at Paris.

[Communicated by the Viscomte de Marcellus to Mr. Secretary Canning, March 7, 1823.]

(Extract.)

THE Portuguese Government thinks proper to protest against the principle promulgated in the Speech delivered by His Majesty on the 28th of January, at the Opening of the present Session. The King of France has a right to hold to His People the language which suits them; and it would be difficult to understand how the Portuguese Government can take umbrage at a Speech addressed to the Deputies of France.

If the French Army shonld be obliged to enter Spain, the Portuguese Chargé d'Affaires will be at perfect liberty to quit the French Territory, in conformity to the orders he has received from his Court.

If the French Government is forced to declare War against the Spanish Government, it is not to support political theories, but because Her immediate safety and Her essential interests are compromised by the internal transactions of Spain. France, not being in the same situation with regard to Portugal, sees no plausible motive to induce the Government of His Most Faithful Majesty, to renounce the relations of peace and friendship. France hopes that she shall not have to repel an unprovoked aggression; nor to maintain a defensive War, which would have no other foundation or pretext on the part of those who should declare it, than the promulgation of a principle on which the political Law of France is founded.

As to future arrangements respecting the residence of Consuls, the French Government sees no occasion to enter into any arrangement upon that subject,

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because it has never been the intention of His Most Christian Majesty to recall, either His Chargé d'Affaires or His Consuls, from Portugal.

He will in future adopt such measures as may be consistent with His Dignity.

The undersigned, &c.

(Signed) CHATEAUBRIAND.

No. 4.

M. de Chateaubriand to the French Chargé d'Affaires at Lisbon.

Paris, le 30 *Janvier* 1823.

[Communicated by Viscomte Marcellus to Mr. Secretary Canning, February 3, 1822.]

(Extract.)

LA lettre que j'ai eu l'honneur de vous ecrire le 13 Janvier courant, confirme toutes celles que mon Predecesseur vous avait adressées sur les dispositions amicales de la France envers le Portugal.

Vous avez été constamment chargé de donner à ce Gouvernement l'assurance, qu'aucun de nos armemens n'était dirigé contre lui.; que l'entretien d'un corps de troupes Françoises vers les Pyrenées n'avait pour bût que de nous mettre en état de défense, si notre territoire, ou nos institutions, étoient menaçées par l'Espagne, et si la conduite de cette puissance rendait une rupture inévitable :— mais que nous séparions la cause de l'Espagne du Portugal, contre lequel nous n'avions aucun grief; et que nous désirions ne pas voir altérer nos relations avec lui.

(Translation of No. 4.)

M. de Chateaubriand to the French Chargé d'Affaires at Lisbon.

[Communicated by Viscomte Marcellus to Mr. Secretary Canning, February 3, 1823.]

(Extract.) *Paris, January* 30, 1823.

THE letter which I had the honour of writing to you on the 13th of the present month, confirms all those which my Predecessor had addressed to you, respecting the friendly dispositions of France towards Portugal.

You have constantly been instructed to assure that Government, that our armaments were not directed against Portugal;—that the maintaining a body of troops in th vicinity of the Pyrennees had no other object than to place us in a state of defence, should our Territory or our Institutions be menaced by Spain; and should the conduct of that Power render a rupture unavoidable:— but that we separated the cause of Spain from that of Portugal, against which Power we had no complaint; and that we wished not to see our relations with Her interrupted.

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No. 5.

Sir Charles Stuart to Mr. Secretary Canning.—Received April 20.

SIR, *Paris, April* 17, 1823.

THE Portuguese Chargé d'Affaires at this Court has addressed a note to the Viscomte de Chateaubriand, stating that, in virtue of the Instructions he has received from his Government, he considers the relations of Amity between the two Countries to have been interrupted, from the moment the French Army crossed the frontier of Spain, and that he must, therefore, demand his Passports.

This Communication has been answered by a Note from Monsieur de Chateaubriand, referring to his former declarations, that it is the desire and intention of His Most Christian Majesty's Government to continue at Peace with Portugal;—that if, however, the manifestation of these friendly sentiments will not induce Monsieur de Sampayo to suspend the execution of his orders, until the result of a reference to Lisbon shall be known, his passports will be delivered to him; but that the French Ministers do not think it necessary, on that account, to withdraw the Chargé d'Affaires, or the Consular Agents, who are actually employed in Portugal to maintain the usual relations between the two Courts.

I have the honour to be, &c.
(Signed) CHARLES STUART.

The Right Honourable George Canning,
&c. &c. &c.

Printed by R. G. Clarke, at the London Gazette Office, Cannon-Row, Westminster

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CORRESPONDENCE

BETWEEN

DON VICTOR SAEZ

AND

MR. SECRETARY CANNING.

Presented to both Houses of Parliament, by Command of His Majesty,
July 1823.

LONDON:

PRINTED BY R. G. CLARKE,

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CORRESPONDENCE

BETWEEN

DON VICTOR SAEZ

AND

MR. SECRETARY CANNING.

No. 1.

Don Victor Saez to Mr. Secretary Canning.

MONSIEUR, *Madrid, le 7 Juin*, 1823.

J'AI l'honneur de transmettre à Votre Excellence la Lettre, par laquelle Son Altesse Sérénissime La Régence d'Espagne et des Indes a l'honneur de communiquer à Sa Majesté Britannique son installation, qui vient d'avoir lieu dans cette Capitale, de la manière la plus solemnelle, et qui a été suivie de la reconnoissance de Son Altesse Royale Monseigneur Le Duc d'Angoulême, au Nom de Sa Majesté Très Chrétienne.

Son Altesse Sérénissime en me chargeant de prier Votre Excellence de presenter à Sa Majesté Le Roi de la Grande Bretagne la dite Lettre (dont j'ai l'honneur d'accompagner une copie, ainsi que des Documens relatifs à la nomination de La Régence), m'a ordonné de vous exprimer en même tems, son vif desir de cultiver les relations d'Amitié qui ont toujours subsisté entre Nos Augustes Souverains.

Je me croirai heureux de contribuer à remplir les vœux de Son Altesse Sérénissime à cet égard; et en attendant, j'ai l'honneur d'assurer Votre Excellence de la haute considération avec laquelle j'ai, &c.

(Signé) VICTOR SAEZ.

Son Excellence M. Canning,
&c. &c. &c.

(Translation of No. 1.)

Don Victor Saez to Mr. Secretary Canning.

SIR, *Madrid, June 7*, 1823.

I HAVE the honour to transmit to Your Excellency the Letter, by which His Serene Highness The Regency of Spain and the Indies has the honour of communicating to His Britannick Majesty it's installation, which took place, with the greatest solemnity, in this Capital, and which has been followed by the recognition, of His Royal Highness the Duke d'Angoulême, in the Name of His Most Christian Majesty.

His Serene Highness, in directing me to request that Your Excellency will present to His Majesty The King of Great Britain the said Letter (of which I

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have the honour to inclose a copy, as likewise of the Documents relative to the nomination of The Regency), has ordered me to express to you, at the same time, his anxious wish to cultivate the relations of Friendship which have always subsisted between Our August Sovereigns.

I shall feel happy in contributing to fulfil the wishes of His Serene Highness in this respect; and in the mean time I have the honour to assure Your Excellency of the high consideration, with which &c.

(Signed) VICTOR SAEZ.

His Excellency Mr. Canning,
&c. &c. &c.

(First Inclosure in No. 1.)

PROCLAMATION.

Son Altesse Royale Le Duc d'Angoulême, Général en Chef de L'Armée Française, aux Espagnols.

ESPAGNOLS :

AVANT que l'armée Française franchit les Pyrenées, j'ai déclaré à votre généreuse Nation que la France n'était point en guerre avec elle. Je lui ai annoncé que nous venions comme amis et comme auxiliaires, l'aider à relever ses autels, à délivrer son Roi, à rétablir dans son sein la justice, l'ordre et la paix. J'ai promis respect aux proprietés, sureté aux personnes, protection aux hommes paisibles. L'Espagne a ajouté foi à mes paroles. Les provinces que j'ai parcourues ont reçu les soldats Français comme des freres, et la voix publique vous aura appris s'ils ont justifié cet accueil, et si j'ai tenu mes engagemens.

Espagnols, si votre Roi était encore dans Sa capitale, la noble mission que le Roi mon oncle m'a confiée, et que vous connaissez *toute entière*, serait déja prête à s'accomplir; je n'aurais plus, apres avoir rendu le monarque à la liberté, qu'à appeler sa paternelle sollicitude sur les maux qu'ont soufferts Ses peuples, sur le besoin qu'ils ont de repos pour le présent et de sécurité pour l'avenir.

L'absence de Sa Majesté m'impose d'autres devoirs.

Le commandement de l'armée m'appartient, mais quelque soit le lien qui m'attache à votre Roi, et qui unit la France à l'Espagne, les provinces delivrées par nos soldats alliés ne peuvent ni ne doivent être gouvernées par des étrangers.

Depuis la frontière jusqu'aux portes de Madrid, leur administration a été provisoirement confiée à d'honorables Espagnols dont le Roi connait le dévouement et la fidélité. et qui ont acquis dans ces circonstances difficiles, de nouveaux droits à Sa reconnaissance et à l'estime de la Nation.

Le moment est venu d'établir, d'une maniere solennelle et stable, la Regence qui doit être chargée d'administrer les pays. d'organiser une armée reguliere, et de concerter avec moi les moyens de consommer notre grand ouvrage, la délivrance de votre Roi.

Cet établissement offre des difficultés réelles que la franchise et la loyauté ne permettent pas de dissimuler, mais que la nécessité doit vaincre.

Le choix de Sa Majesté ne peut être connu. Il n'est pas possible, sans prolonger douloureusement les maux qui pèsent sur le Roi et sur la nation, d'appeler les provinces à y concourir.

Dans ces conjonctures difficiles, et pour les quelles le passé n'offre pas d'exemple à suivre, j'ai pensé que le moyen le plus convenable, le plus national et le plus agréable au Roi, était de convoquer l'antique Conseil Suprême de Castille et le Conseil Suprême des Indes, dont les hautes et diverses attributions embrassent le Royaume et ses Possessions d'outre-mer, et de confier à ces grands Corps, indépendans par leur élévation et par la position politique de ceux qui les composent, le soin de désigner eux mêmes les Membres de la Régence.

J'ai en conséquence, convoqué ces Conseils, qui vos feront connaitre leur choix.

Les hommes sur qui se seront réunis leurs suffrages exerceront un pouvoir nécessaire jusqu'au jour desiré où votre Roi, heureux et libre, pourra s'occuper du soin de consolider Son trône, en assurant, a Son tour, le bonheur qu'il doit à Ses sujets

Espagnols : Croyez en la parole d'un Bourbon. Le Monarque bienfaisant qui m'a envoyé vers vous ne séparéra pas dans ses voeux la liberté d'un Roi de Son sang et les justes espérances d une Nation grande et généreuse, Alliée et Amie de la France.

Au Grand Quartier Général de Alcobendas, le 23 Mai, 1823.

(Signé) LOUIS ANTOINE.

Par Son Altesse Royale Le Prince Généralissime.

Le Conseiller d'Etat, Commissaire Civil de Sa Majesté Très Chrétienne,

(Signé) DE MARTIGNAC.

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(Translation of First Inclosure in No. 1.)

PROCLAMATION

His Royal Highness The Duke of Angoulême, General-in-Chief of the French Army, to the Spaniards.

SPANIARDS!

BEFORE the French Army crossed the Pyrenees I declared to your generous Nation that France was not at war with it. I announced to it that we came as Friends and as Auxiliaries, to help it to restore its altars, to deliver its King, to re-establish justice, order and peace in its bosom. I promised respect to property, security to persons, protection to peaceable men. Spain gave faith to my words. The Provinces through which I have passed have received the French soldiers as brothers, and the publick voice will have informed you if they have justified this reception, and if I have kept my engagements.

Spaniards! if your King were yet in His Capital, the noble mission which The King, my Uncle, has confided to me, and with which you are fully acquainted, would be already nearly accomplished: I should, after having restored The Monarch to liberty, only have to call His paternal solicitude to the evils which His people have suffered—to the necessity they have for repose for the present, and security for the future.

The absence of His Majesty imposes on me other duties.

The command of the army belongs to me; but whatever be the tie which attaches me to your King, and which unites France to Spain, the Provinces delivered by our allied soldiers neither can nor ought to be governed by foreigners.

From the frontier to the gates of Madrid their administration has been provisionally intrusted to honourable Spaniards, whose devotedness and fidelity are known to The King, and who have acquired, under these difficult circumstances, new claims to His gratitude and to the esteem of the Nation.

The moment has arrived for establishing, in a solemn and stable manner, the Regency which is to be intrusted with the Administration of the Country, with the organization of a regular army, and with concerting with me the means of consummating our great work—the deliverance of your King.

This Establishment presents real difficulties, which frankness and honesty do not allow to be dissembled, but which necessity must overcome.

The choice of His Majesty cannot be known. It is not possible, without grievously prolonging the evils which press on The King and on the Nation, to call on the Provinces to concur in it.

Under these difficult circumstances, and for which the past offers no precedent to follow, I have thought that the course most suitable, most national, and most agreeable to The King, was to convoke the ancient Supreme Council of Castile, and the Supreme Council of the Indies, the high and various attributes of which comprehend the Kingdom and its Possessions beyond the sea, and to intrust to these great Bodies, independent by their elevation and the political position of those who compose them, the care of themselves selecting the Members of the Regency.

I have consequently convoked these Councils, who will make you acquainted with their choice.

The men on whom their suffrages shall fall will exercise a necessary power till the wished-for day, when your King, happy and free, will be able to occupy Himself with the care of consolidating His Throne, in securing in His turn the happiness which He owes to His subjects.

Spaniards! believe in the word of a Bourbon. The beneficent Monarch who has sent me to you will never separate in His wishes, the liberty of a King of His blood, and the just hopes of a great and generous Nation, the Ally and Friend of France.

At the Grand Head Quarters of Alcobendas, the 23d of May 1823.

(Signed) LOUIS ANTOINE.

By His Royal Highness The Prince Generalissimo.

The Councillor of State, Civil Commissioner of His Most Christian Majesty,

(Signed) DE MARTIGNAC.

(Second Inclosure in No. 1.)

Madrid, le 23 Mai 1823.

A Son Excellence M. Le Duc d'Infantado, Président du Conseil Suprême de Castille.

LE premier soin de Son Altesse Royale en arrivant dans la Capitale de l'Espagne, est d'y établir une Régence chargée d'Administrer le Royaume pendant la captivité du Roi, d'organiser une armée régulière et de se concerter avec Le Prince Général en Chef pour la déliverance de Sa Ma-

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jesté. La nomination des Membres de cette Régence ne pouvant être faite par le Roi, ni par les Provinces; et Son Altesse Royale ne voulant pas y prendre part, Elle a pensé que le moyen le plus convenable, et le plus national, était de charger de ce soin le Conseil Suprême de Castille et le Conseil Suprême des Indes. En conséquence, Son Altesse Royale a arrêté que ces deux Conseils séraient convoqués sans delai, pour procéder de concert à l'élection des cinq Membres dont La Régence lui parait devoir être composée.

J'ai l'honneur, M. le Duc, de donner communication à Votre Excellence de cette décision de Son Altesse Royale, et de vous prier, en Son nom, de convoquer, le plutôt possible, les Membres du Conseil que Votre Excellence préside. Je prie également Votre Excellence de me faire connaître les opérations qui auront été faites par les Conseils réunis.

J'ai l'honneur, &c.

(Signé) DE MARTIGNAC.

[Pareil Lettre a été adressée à M. le Président du Conseil Suprême des Indes]

(*Translation of Second Inclosure in No.* 1.)

Madrid, May 23, 1823.

To His Excellency The Duke of Infantado, President of the Supreme Council of Castile.

THE first care of His Royal Highness, on His arrival in the Capital of Spain, is to establish there a Regency, charged with the Administration of the Kingdom, during The King's captivity; to organize a regular army, and to concert measures with The Prince, General in Chief, for the liberation of His Majesty. As the nomination of the Members of the Regency cannot be made by The King, nor by the Provinces, and His Royal Highness, not wishing to take any part in it, is of opinion, that the most expedient, and the most national means would be, to charge the Supreme Council of Castille and the Supreme Council of the Indies with this service. His Royal Highness has in consequence ordered, that the said Councils should be convened without delay, to proceed in concert, to the election of five Members, of which number it appears to Him that the Regency should be composed.

I have the honour, my Lord Duke, to communicate to Your Excellency this decision of His Royal Highness, and to request you, in his name, to convene, as soon as possible, the Members of the Council over which Your Excellency presides.—I also beg Your Excellency to inform me of the proceedings which the united Councils may take.

I have the honour, &c.

(Signed) DE MARTIGNAC.

[A like Letter was addressed to the President of the Supreme Council of the Indies.]

(*Third Inclosure in No.* 1.)

Exmo Senor,

LUEGO que recivimos los oficios de este dia que Vuestra Excellencia se sirvió pasarnos de orden de Su Alteze Real El Principe Généralisimo, relativos al nombramiento de Personas para Regentes del Reyno, dispusimos la reunion de los Individuos de los dos Consejos de Castilla é Indias, y habiendolos hecho presentes, despues de meditado su contenido, y conferenciado sobre el asunto con la premura del tiempo que se dexa discurrir, se acordó á pluralidad de votos, se conteste á Vuestra Excellencia para que se sirva elevarlo á noticia de Su Alteza Real, que los Consejos de Castilla é Indias, con arreglo á las Leyes de España, á las practicas y usos observados en ella, nunca han tenido ni tienen la facultad de proponer, ni menos de nombrar para Regentes del Reyno, en ninguno de los casos que sabiamente establecen sus Leyes, pues estas tienen prevenido el modo y orden con que deben hacerse tales nombramientos; y, por lo mismo, que de ninguna manera pueden proponer ni nombrar legalmente, segun lo encarga Su Alteza Real; pero que deseando por una parte darle una prueba del justo aprecio que merecen sus resoluciones, y haciendose cargo del estado de cautividad en que se halla El Rey nuestro Señor, y de las criticas circunstancias de la Nacion, y por otra del benefico deseo que manifiesta Su Alteza Real para asegurar el acierto en materia de tanta consequencia para la Nacion, y en que los Individuos de ambos consejos no pueden menos de segundar sus loables intenciones, han acordado igualmente manifestar á Vuestra Excellencia que si Su Alteza Real lo tuviese por conveniente, remitiran para su conocimiento la lista de los Sugetos que crean mas á proposito para Regentes interinos del Reyno durante la ausencia y cautividad de ñro. Rey y Señor Don Fernando Septimo, á los fines indicados en el apreciable oficio de Vuestra Excellencia á que contestamos.

Sirvase Vuestra Excellencia recibir la expresion de nuestros sentimientos y de ñra. distinguida consideracion.

Madrid, 23 *de Mayo* 1823.

Exmo Señor,

(Firmado) EL DUQUE DE INFANTADO.
M. EL DUQUE DE MONTEMAR,
—CONDE DE GARCIEZ.

Exmo. Senor de Martignac, Comisario Regio.

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(*Translation of Third Inclosure in No.* 1.)

MOST EXCELLENT SIR, *Madrid, May* 23, 1823.

AS soon as we received the Letter, dated this day, which Your Excellency was pleased, by order of His Royal Highness The Prince Generalissimo, to address to us, respecting the appointment of the Persons who should constitute the Regency of the Kingdom, we proceeded to convene the Individuals of the Two Councils of Castile and the Indies, and having deliberated on the contents of your Letter, and discussed the subject with all convenient speed, it was decided by a majority of votes, to reply to Your Excellency, with the view of your being pleased to convey it to the notice of His Royal Highness,—that the Councils of Castile and the Indies, according to the Laws of Spain, and the practice and custom observed in the Kingdom, have never possessed, nor do possess, the power of proposing or appointing to the Offices of Regents of the Kingdom, in any of the cases wisely anticipated by its Laws,—for the latter have specified the mode and the order to be observed in regard to such appointments,—and that, therefore, they are not competent by any means lawfully to propose or nominate those Members, as desired by His Royal Highness: but, being solicitous on the one hand, to afford Him a proof of the just estimation in which they hold His Resolutions, and taking into consideration the state of captivity in which The King, our Lord, is kept, as also the critical circumstances of the Nation,—and, on the other, the beneficent wish manifested by His Royal Highness, to insure success in a matter of such importance to the Nation, and in which the Individuals of both Councils cannot but second His laudable intentions,—they have agreed to state to Your Excellency, at the same time, that if his Royal Highness should deem it proper they will transmit for His approval the list of Persons whom they think the best fitted to be invested with the Offices of Regents, *ad interim*, of the Kingdom, during the absence and captivity of our King and Lord Don Ferdinand VII., for the purposes mentioned in Your Excellency's esteemed Letter, which we hereby answer.

Please to receive the expression of our sentiments and of our distinguished consideration.

(Signed) THE DUKE DEL INFANTADO.
M. THE DUKE OF MONTEMAR,
—CONDE DE GARCIEZ.

His Excellency Senor de Martignac, Royal Commissioner.

(*Fourth Inclosure in No.* 1.)

Madrid, le 24 *Mai* 1823.

A Monsieur Le Duc de l'Infantado, Président du Conseil Suprême de Castille.

J'AI communiqué à Son Altesse Royale Monseigneur Le Duc d'Angoulême la Note que Votre Excellence m'a fait l'honneur de m'adresser ce matin, de concert avec Son Excellence Le Duc de Montemar, Président du Conseil Suprême des Indes.

Son Altesse Royale a vu avec une vive peine que les deux Conseils réunis, avaient jugés que la mission qui leur était confié ne rentrait pas dans leurs attributions et qu'il n'était en leur pouvoir de procéder eux mêmes à l'élection des Membres de la Régence. Son Altesse Royale désirait vivement demeurer entièrement étrangère à cette élection, et se conformer ainsi aux instructions réitérées qu'elle a reçues du Roi de France. Cependant comme il importe avant tout que le Gouvernement soit établi, Monseigneur me charge de faire connaître à Votre Excellence:

1° Qu'elle desire que la liste que les Conseils se proposent de lui presenter ne contiennent qu'un nombre égal à celui des Membres de la Régence à élire.

2° Que dans tous les cas les Conseils indiquent dans leurs déliberation les causes de leur refus d'élire eux-mêmes.

3° Qu'ils demeurent chargés de proclamer et de faire reconnaîtres les Membres de la Régence que Son Altesse Royale aura designés sur la liste qui lui aura été proposée.

J'espère M. Le Duc, que les Conseils se prêteront autant qu'il sera en leur pouvoir aux vues que Son Altesse Royale m'ordonne de leur manifester, et qu'ils se hateront de faire cesser un état d'incertitude qui pourrait avoir des suites facheuses.

J'ai l'honneur, &c.
(Signé) DE MARTIGNAC.

[Pareil lettre a été adressée à M. Le Duc de Montemar, Président du Conseil Suprême des Indes.]

(*Translation of Fourth Inclosure in No.* 1.)

Madrid, 24th May, 1823.

To The Duke of Infantado, President of the Supreme Council of Castille.

I HAVE communicated to His Royal Highness Monseigneur The Duke of Angoulême, the Note which Your Excellency did me the honour of addressing to me this morning, in concert with His Excellency the Duke of Montemar, President of the Supreme Council of the Indies.

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His Royal Highness has seen with serious uneasiness, that the two united Councils have considered, that the Mission which was confided to them, did not come within their province, and that it was not in their power to proceed of themselves, to the election of the Members of the Regency. His Royal Highness was anxiously desirous of taking no part whatever in that election, and of thereby acting in strict conformity to the reiterated instructions that he has received from The King of France. Nevertheless, it being an object of the first importance, that the Government should be established, His Royal Highness has directed me to acquaint Your Excellency:

1º That He is desirous that the list which the Councils propose to present to Him should consist precisely of the same number as that of the Members to be elected to the Regency.

2 That in any case, the Councils should state in their deliberations, the causes of they themselves refusing to elect

3º That they should be required to proclaim, and cause to be acknowledged, the Members of the Regency that His Royal Highness shall point out in the list submitted to Him.

I hope, My Lord Duke, that the Councils will further, as much as lies in their power, the views of His Royal Highness, which I am commanded to state to them; and that they will hasten to put an end to a state of uncertainty, which may be productive of unpleasant consequences.

I have the honour, &c.

(Signed) DE MARTIGNAC.

[A like Letter was addressed to the Duke of Montemar, President of the Supreme Council of the Indies.]

(Fifth Inclosure in No. 1.)

EXMO. SENHOR,

A CONSECUENCIA del Oficio de Vuestra Excellencia de esta fecha reunidos los Individuos de los Consejos de Castilla é Indias, han estimado aptos para Regentes del Reyno á los sugetos que comprehende la adjunta lista.

Lista de los sugetos que se han estimado aptos para Regentes del Reyno.

EL DUQUE DEL INFANTADO.
EL DUQUE DE MONTEMAR.
EL BARON DE EROLES.
EL OBISPO DE OSMA.
D. ANTONIO GOMEZ CALDERON.

No se creen dichos Individuos autorizados para hacer por si el nombramiento por las razones expresadas en nuestro Oficio del dia de ayer, ni predran expedir la Cedula ordinaria para su publicacion por no estar instalados los Consejos, pudiendo entretanto anunciarse por medio de una Proclama como la que se ha fixado en este dia con fecha de ayer por S. A. R., á quien se servirá V. E hacer lo presente.—Dios guarde á V. E. m. a.

Madrid, 24 *de Mayo* 1823.

(Firmado) EL DUQUE DEL INFANTADO.
M. EL DUQUE DE MONTEMAR,
—CONDE DE GARCIEZ.

Exmo. Senor de Martignac,
Comisario Regio.

(Translation of Fifth Inclosure in No. 1.)

MOST EXCELLENT SIR,

THE Individuals of the Councils of Castile and the Indies, having assembled in consequence of Your Excellency's Letter of this day, came to the Resolution that the Persons comprehended in the subjoined list were proper Persons for discharging the Office of Regents of the Kingdom.

List of Individuals judged to be qualified for Regents of the Kingdom.

THE DUKE OF INFANTADO.
THE DUKE OF MONTEMAR.
THE BARON DE EROLES.
THE BISHOP OF OSMA.
DON ANTONIO GOMEZ CALDERON.

The Individuals first-mentioned, do not think themselves justified in proceeding, of their own authority, to the nomination, for the reasons specified in our Letter of yesterday; nor can they issue the usual Order [*Cedula*] for its Publication, inasmuch as the Councils are not installed.

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It may in the mean time be announced by means of a Proclamation, like that which was published to-day, under date of yesterday, by His Royal Highness, to whom Your Excellency will be pleased to communicate this Letter. God preserve Your Excellency many years.

Madrid, May 24, 1823.

Most Excellent Sir,

(Signed) THE DUKE DEL INFANTADO.
M. THE DUKE DE MONTEMAR,
—CONDE DE GARCIEZ.

His Excellency Senor de Martignac, Royal Commissioner.

(*Sixth Inclosure in No.* 1.)

DECLARATION.

NOUS, Louis Antoine d'Artois, fils de France, Duc d'Angouleme, Général-en-Chef de l'Armée Française en Espagne.

Vu notre Arreté en date du 23 courant, portant que les Conseils de Castille et des Indes seront convoqués à l'effet de procéder à l'élection des Membres qui devront composer la Régence du Royaume;

Vu la délibération prise par les Conseils réunis sous la date du même jour portant que les Conseils ne se jugent pas autorisés par les Lois du Royaume, à élire eux-mêmes la Régence, mais qu'ils croient de leur devoir de nous présenter la liste des sujets qui leur paraissent les plus propres à ces hautes fonctions;

Vu la liste à nous présentée le 24 en éxecution de cette délibération et portant les noms suivants:

LE DUC DE L'INFANTADO.
LE DUC DE MONTEMAR.
LE BARON D'EROLES.
L'EVEQUE D'OSMA.
D. ANTONIO GOMEZ CALDERON.

Déclarons, au nom de Sa Majesté Le Roi de France notre Seigneur et Oncle, reconnaitre comme composant la Régence du Royaume pendant la captivité de Sa Majesté Le Roi Ferdinand VII:

NOTRE COUSIN LE DUC DE L'INFANTADO, *Président.*

Membres:

NOTRE COUSIN LE DUC DE MONTEMAR.
LE BARON D'EROLES, *Lieutenant-Général.*
M. L'EVEQUE D'OSMA.
M. ANTONIO GOMEZ CALDERON.

Donné en Notre Quartier Général, à Madrid, le 25 Mai 1823.

(Signé) LOUIS ANTOINE.

Par Son Altesse Royale Le Prince Généralissime,

Le Conseiller d'Etat, Commissaire Civil de Sa Majesté Très Chrétienne,

(Signé) DE MARTIGNAC.

(*Translation of Sixth Inclosure in No.* 1.)

DECLARATION.

WE, Louis Antoine d'Artois, son of France, Duke of Angouleme, General-in-Chief of the French army in Spain:

Considering our Decree of the 23d instant, directing that the Councils of Castile and the Indies be convoked, for the purpose of proceeding to the election of the Members who should form the Regency of the Kingdom;

Considering the resolution adopted by the assembled Councils, under the same date, purporting that the Councils did not consider themselves authorized by the Laws of the Kingdom to elect a Regency, but that they thought it their duty to present to us the list of the Persons who appeared to them the most proper for that high Office;

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Considering the list presented to us on the 24th, in execution of this resolution and containing the following names :—

THE DUKE OF INFANTADO.
THE DUKE OF MONTEMAR.
THE BARON D'EROLES.
THE BISHOP OF OSMA.
DON ANTONIO GOMEZ CALDERON.

We declare, in the name of His Majesty The King of France, our Lord and Uncle, that we recognize, as composing the Regency of the Kingdom, during the captivity of His Majesty King Ferdinand VII :

OUR COUSIN THE DUKE OF INFANTADO, *President.*

Members.

OUR COUSIN THE DUKE OF MONTEMAR,
THE BARON D'EROLES, *Lieutenant-General.*
THE BISHOP OF OSMA.
M. ANTONIO GOMEZ CALDERON.

Given at our Head-Quarters, Madrid, May 25, 1823.

(Signed) LOUIS ANTOINE.

By His Royal Highness The Prince Generalissimo,

Councillor of State and Civil Commissioner of His Most Christian Majesty.

(Signed) DE MARTIGNAC.

No. 2.

Mr. Secretary Canning to Don Victor Saez.

SIR, *Foreign Office, June* 19, 1823.

I HAVE the honour to acknowledge the receipt of the Letter which Your Excellency did me the honour to address to me on the 7th instant, announcing the installation of a New Regency at Madrid, and inclosing a Letter, addressed (as you inform me) by that Body to The King, my Master.

The Regency of Urgel, some months ago, and more recently that which was instituted after the entrance of the French army into Spain, successively addressed Letters to me, announeing, in like manner, their assumption, respectively, of the Government of Spain.

To neither of these Communications has it been thought necessary to return any answer: And, if I now deviate from the course pursued in those two instances, it is only because I would not appear to be guilty of incivility, in sending back your Messenger without a written acknowledgement of your Letter.

I have, however, nothing to add to that acknowledgement. The King, my Master, having a Minister resident near the Person of His Catholick Majesty, cannot receive a Communication of this description;—and it is, therefore, not consistent with my duty to lay before The King, the Letter addressed to His Majesty, which I have the honour herewith to return.

I have the honour, &c.

(Signed) GEORGE CANNING.

His Excellency Don Victor Saez,
&c. &c. &c.

Printed by R. G. Clarke, at the London Gazette Office, Cannon-Row, Westminster.

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PAPERS

RELATING TO

THE SLAVE TRADE.

Presented to both Houses of Parliament by His Majesty's Command

May 1823.

LONDON:

PRINTED BY R. G. CLARKE,

AT THE LONDON GAZETTE OFFICE, CANNON-ROW, WESTMINSTER.

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CORRESPONDENCE

RELATING TO

THE SLAVE TRADE.

No. 1.

The Duke of Wellington to Mr. Secretary Canning, dated Paris 21st September, 1822.—Received the 24th.

(Extract.)

I HAVE taken an opportunity of talking to the French Minister respecting the Slave Trade, and of urging him to adopt some effectual measures for its repression.

He stated that the King, and the French Government were sincerely anxious to put an end to this Traffick; but that they could devise no measures to produce that effect which they could hope would be adopted; that the measure so often recommended to their attention by the British Ambassador at this Court, that of attaching a *Peine Infamante* to the conviction of this crime, would be inefficient even if passed into a law. He said that he could not conceal from me the fact, that the Abolition of the Slave Trade was unpopular in France; and he begged me to observe, that the existing Law for the Abolition of the Slave Trade, was the only Law that had ever passed the Legislature without discussion.

I replied that I did not think we were called upon to point out to them the measures which they ought to adopt, in order to carry into execution their own engagements. That we stated the measures which had been found most effectual in England and elsewhere, and we certainly had reason to complain, if no measures were adopted by France to carry into execution Her Engagements, the Decree of the King, and the Law of the Country.

The French Minister said, that they had done, and would do, all in their power; that they maintained Cruizers on the Coast of Africa, and off Madagascar, for no purpose, excepting to check this Traffick, to which they were sincerely desirous to put an end.

I told him that I should certainly draw the attention of the Allied Courts to this subject at the Congress; as they, equally with ourselves, were anxious for the total Abolition of this Traffick.

No. 2.

Mr. Secretary Canning to the Duke of Wellington.

(Extract.) *Foreign Office, October 1, 1822.*

SINCERE as is the anxiety of His Majesty and His Government to devise all means which may tend in any way to the extirpation of that scandal of the

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civilized world, the Slave Trade; and confident as I am, that your Grace will exert yourself, with the utmost alacrity and zeal, to impress upon the minds of the Allied Sovereigns and their Ministers, the duty of perfecting the work of the Abolition, I confess that the Report which I have received from your Grace, at Paris, has greatly damped the expectation of any decisively favourable result from the approaching Conferences.

The refusal of France, not only to enter into any new Engagements, or to pass any new Laws for the suppression of the Slave Trade, but Her neglect and apparent repugnance even to execute those by which She has already bound herself, notwithstanding the too notorious continuance of that Traffick by her Subjects, leave little hope that the authority of France will be employed otherwise at Vienna than to prevent the adoption of any effectual resolution.

Every effort must, nevertheless, be made to bring, the influence of the Congress to bear upon this most momentous subject; and from the other three Members of the Alliance we may hope to obtain such a manifestation of opinion, as may show that their feelings, as declared in 1815, have undergone no change.

The difficulty under which this Country now labours, in pressing the accomplishment of the Abolition, beyond what it experienced in 1815, arises partly from the lowered tone of sentiment throughout Europe, upon subjects appealing to the feelings of mankind, compared with that which prevailed at a moment of general excitement and enthusiasm; and partly from the notion, sedulously inculcated by other Powers having Colonies, that self-interest now mingles with our humanity; and that by our persevering efforts to bring about the Abolition in these Countries, we are only seeking to inflict upon the Colonial Possessions of our rivals, a portion of the evils which the partial Abolition is alleged to have brought upon our own.

Your Grace may confidently affirm, in reply to such insinuations, that among the causes which have contributed to the depression of Colonial Produce in this Country, so far is the Abolition of the British Slave Trade from being one, that its continuance would unquestionably have aggravated that depression; and its revival would be deprecated by no class of men more than by the Colonists of Great Britain.

But in proportion as the interests of that class of His Majesty's Subjects have been exposed to hazard, by the Legislature of this Country, in setting the example of the unqualified renunciation of a practice originally incorporated with the system of Colonies, and long supposed, however falsely, to be necessary to their existence (a renunciation dictated by considerations of a higher order than have usually guided the conduct of States); in the same proportion is the British Government called upon to leave no effort untried to give effect to that example, and to take care that it shall not have been set in vain.

At present, whatever may have been the advantage or disadvantage to the British Colonies, it is much to be feared that to Africa the Abolition by Great Britain has been injury rather than gain. The Slave Trade, so far from being diminished in extent, by the exact amount of what was in former times the British demand, is, upon the whole, perhaps, greater than it was at the period when that demand was the highest: and the aggregate of human suffering, and the waste of human life, in the transport of Slaves from the Coast of Africa to the Colonies, are increased in a ratio enormously greater than the increase of positive numbers. It would seem as if those, who continue this abominable Traffick, had a malicious pleasure in defeating the calculations of benevolence, and in visiting upon the innocent victims of their avarice, the fruitless endeavours to rescue those victims from their power.

Unhappily it cannot be denied, that our very attempts at prevention, imperfect as they yet are under the Treaties which now authorize our interference, tend to the augmentation of this evil. The dread of detection suggests expe-

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dients of concealment productive of the most dreadful sufferings to a Cargo, with respect to which it hardly ever seems to occur to its remorseless owners, that it consists of sentient beings. The numbers put on board in each venture, are so far from being proportioned to the proper capacity of the vessel, that the probable profits of each voyage are notoriously calculated only on the survivors: and the mortality is, accordingly, frightful to a degree unknown, since the attention of mankind was first called to the horrors of this Traffick.

To these enormous, and I am afraid, even growing evils, we have nothing to oppose, but the Declaration of the Congress at Vienna; our Treaties with Spain and the Netherlands, abolishing the Trade definitively and totally; and that with Portugal, restricting the Portuguese Slave Trade to the South of the Line.

The provisions of those Treaties are about to receive a beneficial extension, by an Article which those Governments, respectively, have agreed to add to them; inflicting the same penalties of capture and confiscation on vessels on board of which Slaves may *have been*, as on those on board of which Slaves are actually found at the time of visiting them.

I inclose a copy of this proposed Article to His Majesty's Missions at the Courts of the Hague, Madrid and Lisbon.

I inclose also a copy of a proposed Article, the object of which is to procure a further extension of the same principle, by admitting the peculiar fitting up of a Slave ship, as evidence of the purpose, and proof of the criminality of its voyage.

It is, in truth, absurd to talk of *prevention*, if the vessel must actually have completed the purpose of its voyage, before that purpose, however evident, can be suspected; and if, while the having on board a single Negro is to be conclusive proof of guilt, manifest preparations for the reception of hundreds are not to be considered as leading to a presumption of it.

But, even when all this is done, little, very little, way is made towards the accomplishment of our great work, so long as Portugal continues the trade with half the continent of Africa,—and so long as France is determinately opposed to any further measures of restriction.

As to France, I fear, that so far from any advantage being likely to be obtained by the separate urgency of the British Government with that of His Most Christian Majesty, every fresh representation does but irritate and confirm the spirit of resistance, and tend to convert more and more, a question of moral duty and political obligation, into one of national pride.

It is necessary to take this plain, though discouraging view of the situation of this great question, because neither the past efforts of His Majesty's Government, nor those which your Grace is directed to make at the present Congress, can be viewed in their just light; if it is supposed that they have been, or are to be, employed altogether upon willing, or even upon unprejudiced minds; or that the failure to produce the desired effect, is to be attributed to want of zeal or of importunity on our part.

It is the truth (however lamentable or incredible) that by the testimony of the French Government itself, there is no publick feeling—none, on this subject in France, which responds in the smallest degree to the sentiment prevalent in England;—that no credit is given to the People, or to the Legislature of this Country, for sincerity in those sentiments; that our anxiety upon the matter is attributed to a calculation of national interest; and that a new Law, formed on a proposition from England for new Restrictions on the illicit Slave Trade, would, at this moment, infallibly be thrown out in the Legislature of France.

It has been recommended by persons, laudably anxious for the attainment of the great object in view, that the Congress should declare the carrying on of the Slave Trade to be Piracy. But does there appear the slightest proba-

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bility that the French Plenipotentiaries would concur in a position qualifying as acts of Piracy, acts which the French are committing every day; and laying open the ships and properties of those subjects, not merely to a right of visit to be mutually exercised, but to sweeping uncompensated capture by the cruizers of Great Britain?

Would such a Declaration by Powers who have no Colonies of their own, carry great weight? and would not an assumption on the part of the Congress, of a pretension to legislate on matters of Publick Law, and to establish a new principle of Maritime Police, excite, in other Powers, a disposition to demur to its jurisdiction?

There is a minor degree of coercion, which is undoubtedly within the right, as well as the power of the Sovereigns, which has been more than once pressed upon their attention. It is that they should, each, in their dominions, whether severally or by joint compact, prohibit the introduction of Colonial Produce from the Colonies of States which have not legally and effectually abolished the Slave Trade.

This would be attended with some immediate and perhaps with greater ultimate good effect; and this would be done in the exercise of an undoubted and legitimate authority, which even those who might suffer by it, could not call in question.

The principal advantages then to be derived from the union of Sovereigns to the cause of the Abolition, appear to resolve themselves into these two,—

1st. An Engagement on the part of the Continental Sovereigns to mark their abhorrence of this accursed Traffick, by refusing admission into their dominions of the produce of Colonies belonging to Powers who have not abolished, or who notoriously continue the Slave Trade.

2d. A Declaration in the names, if possible, of the whole Alliance,—but, if France shall decline being a party to it, then, in the names of the three other Powers, renewing the denunciation of the Congress of Vienna, and exhorting the Maritime Powers, who have abolished the Slave Trade, to concert measures among themselves for proclaiming it, and treating it, as Piracy;—with a view to founding upon the aggregate of such separate Engagements between State and State, a general Engagement to be incorporated into the publick Law of the Civilized World.

Such a declaration, as it assumed no binding force, would not be obnoxious to the charges which would attach to a declaration of new publick law, by an incompetent authority; while at the same time its moral influence might materially aid us in our negotiations with other Maritime States.

We could have no difficulty in consenting, that subjects of the United Kingdom found trading in Slaves should be treated as Pirates, upon a reciprocal admission of the same principle by other Powers.

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No. 3.

The Duke of Wellington to Mr. Secretary Canning, dated Verona, 29th November 1822.—Received December 9th.

(Extract.)

I INCLOSE you the Protocols of the Conferences, and the several papers annexed, on the Slave Trade.

You will observe that what I intended should be a general declaration, is in the shape of resolutions; and that there is no separate declaration upon any of the points, by the several Powers who agree to them.

(First Inclosure in No. 3.)

Procès-Verbal de la Conférence relative à l'Abolition de la Traite des Nègres, &c.

(Extrait.) *Vérone, le 24 Novembre* 1822.

MESSIEURS les Plénipotentiaires d'Autriche, de France, de Grande Bretagne, de Prusse et de Russie, se sont réunis ce jour, pour prendre connaissance de la communication que M. le Duc de Wellington a faite au nom du Gouvernement Britannique, telle qu'elle se trouve ci-annexée.

Elle avait pour objet la continuation déplorable du Commerce des Nègres, en dépit des Déclarations, des Lois et des Traités, qui ont interdit et condamné ce Commerce depuis 1815. M. le Duc de Wellington a présenté dans son mémoire des observations sur ce qu'il regarde comme les causes du mal, et il a indiqué différentes mesures qui pourraient y mettre un terme.

M. le Comte de Nesselrode a déclaré au nom de Sa Majesté l'Empereur de toutes les Russies, que Sa Majesté Impériale ne désavouerait jamais les principes et les sentimens, qui Lui avaient fait envisager de tout tems la Traite des Nègres comme un commerce réprouvé par la Religion, la Justice et l'Humanité; et qu'Elle était prête à concourir aux mesures, que Ses Alliés jugeraient exécutables pour assurer l'Abolition totale et définitive de ce Commerce.

Messieurs les Plénipotentiaires d'Autriche, de France et de Prusse, ont également déclaré que leurs Souverains persistaient dans les principes, en faveur desquels Ils s'étaient prononcés dès le Congrès de Vienne; et on est convenu de consacrer de nouveau ces principes, par une Déclaration analogue à celle du 8 Février 1815.

Quant aux mesures particulières proposées par M. le Duc de Wellington, Messieurs les Plénipotentiaires de France se sont réservés d'en faire l'objet de leurs réflexions, et de soumettre les résultats de ces réflexions à une Conférence prochaine.

(Signé)

METTERNICH. CARAMAN. WELLINGTON. HATZFELDT.
NESSELRODE. LEBZELTERN. FERRONAY. LIEVEN.
CHATEAUBRIAND. TATISCHEFF.

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(Translation.)

Procès-Verbal of the Conference relative to the Abolition of the Slave Trade, &c.

(Extract.) *Verona, November* 24, 1822.

THE Plenipotentiaries of Austria, of France, of Great Britain, of Prussia, and of Russia, met this day, to take into consideration the communication which the Duke of Wellington has made, in the name of the British Government, in the form in which it is hereunto annexed.

The subject of it is, the deplorable continuation of the Slave Trade, in spite of the Declarations, the Laws and the Treaties, which have interdicted and condemned this Trade since 1815. The Duke of Wellington offered in his memoir, observations as to what he considers to be the causes of the evil, and pointed out different measures which might put an end to it.

Count Nesselrode declared, in the Name of His Majesty the Emperor of all the Russias, that His Imperial Majesty never would disavow the principles and the sentiments, which had made Him, at all times, look upon the Slave Trade as a Traffick reproved by Religion, Justice, and Humanity; and that he was ready to concur in such measures as His Allies should think practicable, to secure the total and definitive Abolition of this Traffick.

The Plenipotentiaries of Austria, of France, and of Prussia, also declared that their Sovereigns continued firm in the principles, in favour of which they had pronounced themselves, since the Congress of Vienna; and it was agreed to record anew these principles, by a Declaration analogous to that of the 8th of February 1815.

With respect to the particular measures proposed by the Duke of Wellington, the Plenipotentiaries of France reserved to themselves to make them the subject of their reflections, and submit the result of those reflections to a subsequent conference.

(Signed)

METTERNICH.	CARAMAN.	WELLINGTON.	HATZFELDT.
NESSELRODE.	LEBZELTERN.	FERRONAY.	LIEVEN.
	CHATEAUBRIAND.		TATISCHEFF.

(Annexed to first Inclosure in No. 3.)

Memorandum on the Slave Trade, by the Duke of Wellington.

THOSE Ministers who had the honour of representing His Britannick Majesty at the Conferences at Vienna, at Paris, and at Aix-la-Chapelle, called the attention of the Sovereigns and of their Ministers upon each of these occasions to the state of the Slave Trade; but there never was a moment, at which it was more important that their attention should be drawn to this subject, than the present.

In the year 1815, after a solemn deliberation, in which the Ministers representing the Eight Powers, which signed the Treaty of Paris, of May 1814, took a part, they unanimously expressed their desire to put an end to a scourge which had so long desolated Africa, degraded Europe, and afflicted Humanity.

Of these eight Powers, seven have passed Laws, having for their object entirely to prevent the subjects of their several States from engaging in this Traffick:—One only (Portugal) still permits it in its own Territories and Factories South of the Equator, but has prohibited the Trade by its subjects

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North of the Equator; and all the Maritime Powers of Europe, and the United States of America, as well as the South American Governments, with the exception of Brazil, have equally, by Law, prohibited their subjects and citizens from carrying it on.

Yet I have the means of proving that this Traffick has been, since the year 1815, and is at this moment, carried on to a greater extent, than it had been at any former period; that in seven months of the year 1821, not less than thirty eight thousand human beings were carried off from the Coast of Africa in hopeless and irremediable Slavery, and that not less than three hundred and fifty-two vessels entered the Rivers and Ports of Africa, North of the Equator, to purchase Slaves between July 1820, and October 1821. Each of these was calculated to carry off from five to six hundred Slaves.

Surely then, it is time that the Sovereigns, whose Ministers assist at this Conference, should mark their continued sense of the horrors of this Trade, and should take some measures, which shall be effectual to put an end to a Traffick so revolting, as that the very mention of its result is sufficient to afflict humanity, without adverting to any of its disgusting details, which are but too well known to all those to whom this paper is addressed.

It is obvious that this crime is committed in contravention of the Laws of every Country of Europe, and of America, excepting only of one, and that it requires something more than the ordinary operation of Law to prevent it.

Portugal is the only Country in the World, which now, by Law, permits a Trade in Slaves, and that only in its own Factories and Territories South of the Equator; and as there is no legal sale for Slaves, imported in Slave Ships, excepting in the Portuguese Colonies, which are generally South of the Equator, the whole Trade North of the Equator, whether in the purchase, sale, or transport of Slaves, is forbidden by the Law of every Country in Europe, and is contraband.

But it is not carried on with the usual secrecy of a contraband trade. This contraband trade is carried on generally under the protection of the flag of France. The reason is obvious—France is the only one of the great Maritime Powers of Europe whose Government has not entered into the Treaties, which have been concluded with His Britannick Majesty, for giving to certain of the ships of each of the contracting parties, a limited power of search and capture of ships engaged in this horrible Traffick; and those employed in this service have too much respect for the flag of France, to venture, excepting in cases of extraordinary suspicion, to search the vessels which sail under its protection.

An endeavour has recently been made to improve these Treaties with Spain, the Netherlands, and Portugal; but no improvement of the measures to be carried into execution under these Treaties, however well calculated under other circumstances to affect the object in view, can be effectual, so long as contraband traders in men can carry on their trade by assuming any foreign flag, particularly one in every view so respectable as that of France.

The consequence of this state of things is, that this contraband trade is attended by circumstances much more horrible, than any thing that has ever been known in former times. It is not necessary here to enumerate all the horrors respecting it, which have come before the publick, in the different discussions which have taken place, as well in France as in England; but it cannot be denied that all the attempts at prevention, imperfect as they have been found to be, have tended to increase the aggregate of human suffering, and the waste of human life, in the transport of Slaves from the Coast of Africa to the Colonies, in a ratio far exceeding the increase of positive numbers carried off in Slavery. The dread of detection suggests expedients of concealment productive of the most dreadful sufferings to a cargo, with respect to which it hardly ever seems to occur to its remorseless owners, that it consists of sentient beings.

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The numbers put on board in each venture, are far from being proportioned to the proper capacity of the vessel; and the mortality is frightful to a degree unknown, since the attention of mankind was first drawn to the horrors of this Traffick.

There is no hesitation in declaring that it would have been far more consoling to humanity, and that by far a smaller number of human beings would have lost their lives by cruel and lingering sufferings, if the trade had never been abolished by the Laws of any Country.

In this case, Christian Sovereigns and Legislatures would have considered it their duty to provide, that those of their subjects, who carried on a Trade in Human Creatures, should take care of those whom they carried off in perpetual captivity,—that the space in which they should be confined, whether in their settlements on the Coast of Africa, previous to embarkation, or in their ships on passage to the place of sale, should be sufficient to give such human beings the faculty of breathing, and the chance of life,—that the water and food supplied to them should be sufficient in quantity at least, if not wholesome in quality, for the sustentation of life,—that measures should be adopted for the restoration and preservation of the health of those who should have shared the common fate of mankind, and should have become sick,—and, above all, there would have been no necessity for the destruction of men for the purpose of concealing that a Traffick in Slaves was carried on.

This contraband trade is, in many, too many instances, carried on in vessels fitted out in France, and commanded and manned by Frenchmen. It is a known fact that, although the profits of a voyage, of which two, or even three, may be made in a year, are three hundred *per cent.* the risks are so small, the chances of detection, so as to become liable to the punishment which the French Law inflicts upon conviction, so few, and so little is the punishment commensurate with the offence, even after conviction, that the insurance upon each voyage is not more than fifteen *per cent.*

His Most Christian Majesty, having in the year 1815, voluntarily abolished the Slave Trade, by His declaration; having subsequently engaged Himself by Treaty with the four then Allied Courts to abolish that Traffick; having since recommended to the French legislature, that Laws should be passed to carry into execution His Royal declaration, and the stipulation of His Treaty; having besides employed a squadron to cruize off the Coasts of Africa, with a view to prevent a contraband Trade in Slaves by the use of His flag; it cannot be supposed that His Most Christian Majesty is not sincere in His desire to effect the abolition. But there exists no publick sentiment in France on this subject; and the real miseries entailed upon the whole Continent by the continuance of the Slave Trade, principally by the fraudulent use of the flag of France, and the cruelties to which such use gives cover, are generally unknown in that Country.—It is believed, certainly erroneously, that the views of Great Britain in the abolition are interested, and quite distinct from those of humanity.

To these unfortunate circumstances must be attributed the failure to produce any effect, of all the measures hitherto adopted in France, and the disinclination of the French Government to propose any new or stronger measure to the legislature, however well inclined to endeavour to put down this evil.

His Majesty's Government cannot but feel, that, notwithstanding the Declaration of the Congress of Vienna of 1815, they still stand alone in this question in Europe. Upon them has fallen the burden of the execution of all the Treaties with the Maritime Powers for putting down the Slave Trade, and upon them the task of soliciting those Powers to put those Laws into execution.

These importunities are erroneously attributed to some selfish commercial Interest, and to a desire to bring the Colonies of other Countries to the state of distress in which those of Great Britain are supposed to be.

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Under these circumstances, I should wish those to whom this paper is addressed, to consider whether it is now desirable, that they should adopt some measure to manifest to the World that their sentiments are unchanged—that they still consider the Slave Trade, as "a scourge which had too long desolated Africa, degraded Europe, and afflicted humanity;"—and that they will persevere in their endeavours to effect its total abolition.

It is at present obviously carried on to the northward of the Equator solely by contraband, and in a considerable degree, under the French Flag, and by a fraudulent use of that Flag, notwithstanding the measures adopted by His Most Christian Majesty to carry into execution His Treaty with His Allies, His Own Royal Declaration and the Law of France.

There is no article or stipulation of the Treaties with the King of France, whether regarding the political or pecuniary interests of any Power in Europe, or even of any individual, which has not been strictly carried into execution,

Shall it then be said, that the Powers of Europe are indifferent to the complete execution of those stipulations alone which regard the interests of humanity, and that rather than urge His Most Christian Majesty to adopt those measures which are necessary effectually to put down the Slave Trade, they will suffer this disgrace to human nature to exist?

The additional article of the Treaty of Paris of November 20th, 1815—does not describe any particular measure, or set of measures to be adopted to effect its purpose, but states that "the Contracting Parties engage to renew "conjointly their efforts, with the view of securing final success, and to con-"cert the *most effectual measures* for the entire and definite abolition of a "Commerce so odious and so strongly condemned by the Laws of Religion "and Nature."

The following appear to be the measures, which the Allied Powers might adopt or recommend, which would have the effect of checking, if not of entirely putting down the Slave Trade.

A Declaration on the part of the Powers whose Ministers are now assembled at Verona, renewing the denunciation of the Slave Trade of the Congress of Vienna, and exhorting the Maritime Powers, who have abolished the Trade, to concert measures among themselves for proclaiming and treating it as Piracy, with a view of founding upon the aggregate of such separate engagement between State and State, a general Law to be incorporated into the publick Law of the Civilised World.

A Declaration on the part of the Powers, whose Ministers are here assembled, that they withdraw the protection of their Flags from those persons, not natives of their dominions respectively, who shall be found making use of such flag to cover a Trade in Slaves.

A Declaration on the part of the Allied Sovereigns, that they would refuse admission into their dominions of the produce of Colonies belonging to Powers who should not have abolished the Slave Trade. This measure will apply entirely to Portugal and the now revolted Colony of the Brazils, where alone the Laws allow the Trade to be carried on. By these Countries it ought to be carried on only south of the equator; but it is notorious, that the Governors and Officers in the Portuguese Settlements on the coast of Africa, north of the equator, encourage the Trade and assist by every means in their power the Slave Traders, who resort, contrary to Treaty and to Law, to that part of the coast.

These Traders, when likely to be detected with Slaves on board, show the French flag, and thus escape the penalties which the law would inflict upon them.

To join with His Majesty in entreating His Most Christian Majesty to adopt some of those measures for putting down the Slave Trade, which had been found effectual in other Countries.

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The measures which depend upon His Most Christian Majesty's Government, independently of the Legislature, are,

1st. The establishment in the Colonies of a strict Registry of Slaves, whereby to ascertain at all times, whether any newly imported Slaves have been purchased on any plantation. The effect of this measure would not be confined to the check it would give to the importation of Slaves,—it would manifest in a still stronger degree the determination of the King to put an end to the traffick; and it would stimulate the Governors and Officers to attend to the strict execution of the laws on the subject. It must be observed, that the measure was suggested at the late Congress of Aix-la-Chapelle, by the late Minister of France, but has not yet been ordered by an "*Ordonnance.*"

2d. That His Most Christian Majesty should encourage the capture of Slave Ships, fraudulently carrying on a Contraband Trade under the French flag, by the grant of the vessel and equipments, in the way of prize, to the captors, and of head-money for the Negroes captured.

This measure would have the same effect in stimulating to the performance of their duty, those charged with the task of putting down this Trade, by shewing them His Most Christian Majesty's continued determination that it should be put down.

His Most Christian Majesty's Government might then propose to the Legislature, that the Law might be improved, and its severities against persons engaged in carrying on the Slave Trade be increased. Those improvements might be, first, to make the proof of Slave Trading consist, not alone in having Slaves on board, but in having on board those means of coercion, and that description of equipment and fitting up of the vessel, which is known to be necessary for a vessel so employed, and for no other.

The penalties of the Law might be increased to "*Peines Infamantes,*" which, with the forfeiture of the Ship and Cargo, and the more active check upon the Trade, might, it may be hoped, put an end to it entirely in France.

(Second Inclosure in No. 3.)

Procés-Verbal de la Conférence du 28 Novembre.

(Extrait.)

TRAITE DES NÈGRES.

ON s'est occupé dans cette Conférence des communications de M. le Duc de Wellington faites à celle du 24 Novembre, relative à l'Abolition de la Traite des Nègres.

Messieurs les Plénipotentiaires d'Autriche, de France, de Prusse, et de Russie, ont fait lecture de leurs réponses à la dite communication; ces réponses se trouvent ci-annexées sub Litt. A. B. C. D.

A la suite de cette lecture, M. le Duc de Wellington a cru devoir relever une observation qui se trouve dans la réponse de MM. les Plénipotentiaires de France, portant, "qu'une délibération qui obligerait tous les Gouvernemens à "appliquer à la Traite des Nègres les châtimens infligés à la Piraterie, ne "pouvait pas, selon leur avis, être de la compétence d'une réunion politique." —M. le Duc de Wellington en se référant aux termes de son mémoire, a remarqué, "que sa proposition n'avait absolument eu pour objet que d'engager "les Puissances Maritimes, qui ont aboli le Commerce en Esclaves, à se con-"certer entr'Elles sur des mesures à prendre, pour déclarer et traiter ce Com-"merce comme la Piraterie."

M. le Vicomte de Chateaubriand a répliqué, "que les Plénipotentiaires de "S. M. Très Chrétienne avaient bien compris que M. le Duc demandait de "chaque Gouvernement en particulier, une loi assimilant la Traite des Nègres

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"à la Piraterie, mais qu'ils ne pourraient signer une déclaration où ce vœu se-
"rait exprimé, vû qu'ils ne pouvaient prescrire à leur Gouvernement le nom,
"les formes, la teneur, et l'étendue d'une loi."

Sur l'observation de plusieurs de M. M. les Plénipotentiaires, qu'il serait difficile de prendre des mesures contre le Commerce avec le Portugal et ses Colonies, par rapport à la Non-abolition de la Traite des Négres, sans en avoir prévenu le Gouvernement Portugais, et sans l'avoir entendu à ce sujet, M. le Duc de Wellington a remarqué, qu'il n'avait point eu l'intention de proposer une marche différente, et qu'il admettait de même la nécessité d'éntrer en explication avec le Gouvernement Portugais, avant de se porter à une pareille mesure.

Il a été lû ensuite un projet de déclaration générale, ayant pour bût de manifester, que les Puissances Alliées persistaient toujours, rélativement à l'abolition définitive de la Traite, dans les principes proclamés par la Déclaration de Vienne du 8 Février 1815. Ce projet a été adopté, tel qu'il se trouve ci-joint sub Lit. E.; et on est convenu de le consigner au Procès-Verbal sous le tître de *Résolutions*.

M. le Duc de Wellington a exprimé en outre le désir, que pour se concerter ultérieurement sur les mesures proposées pour effectuer l'Abolition définitive de la Traite des Nègres, les Cours Alliées établissent une Conférence à Londres. MM. les Plénipotentiaires d'Autriche, de Prusse, et de Russie se sont énoncés en faveur de cette proposition, et MM. les Plénipotentiaires de France se sont réservés d'en faire référer à leur Cour.

(Signé)

METTERNICH.	CARAMAN.	WELLINGTON.	HATZFELDT.
NESSELRODE.	FERRONAY.		LIEVEN.
	CHATEAUBRIAND.		TATISCHEFF.

(Translation.)

Procès-Verbal of the Conference of the 28th November.

(Extract.)

SLAVE TRADE.

THE attention of this Conference was directed to the communications made by the Duke of Wellington at the Meeting held on the 24th November, relative to the Abolition of the Slave Trade.

The Plenipotentiaries of Austria, of France, of Prussia, and of Russia, read their answers to the said communications. These answers are hereunto annexed sub Litt.: —A. B. C. D.

After the reading of these Papers, the Duke of Wellington considered it his duty to notice an observation in the answer of the French Plenipotentiaries, purporting, "that a Deliberation which would tend to oblige all "Governments to apply to the Slave Trade the punishments inflicted for "Piracy, could not, in their opinion, be within the province of a political "conference."—The Duke of Wellington, in referring to the expressions contained in his Memorandum, remarked, that his proposition had absolutely no other object than to engage Maritime Powers, who have abolished the Slave Trade, to concert among themselves the measures to be adopted, in order to declare this Traffick Piracy and punish it as such.

Viscount Chateaubriand replied, "that the Plenipotentiaries of His Most "Christian Majesty had perfectly understood, that the Duke required each "Government separately, to pass a law assimilating the Trade in Slaves to "Piracy; but that they could not sign a Declaration in which this desire "should be expressed, because they could not prescribe to their Government "the title, form, tenour, and extent of any Law."

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On the observation of several of the Plenipotentiaries, that it would be difficult to adopt measures against Commercial Intercourse with Portugal and her Colonies, with reference to the non-abolition of the Slave Trade, without having first intimated the same to the Portuguese Government, and without having heard them upon the subject, the Duke of Welligton observed, that he never had it in contemplation to propose a different course; and that he equally admitted the necessity of entering into an explanation with the Portuguese Government, before such a measure should be carried into effect.

The Projet of a General Declaration was afterwards read, the object of which was to show, that the Allied Powers still adhered, with regard to the definitive Abolition of the Trade, to those principles which were proclaimed in the Declaration signed at Vienna the 8th of February 1815. This Projet was adopted, in the form annexed under letter E.; and it was agreed to insert it in the Procès-Verbal under the head of "*Resolutions.*"

The Duke of Wellington moreover expressed a desire, in order to concert further the measures proposed to effect the definitive Abolition of the Slave Trade, that the Allied Courts should establish a Conference in London. The Plenipotentiaries of Austria, Prussia, and Russia, declared themselves in favour of this proposal; and the Plenipotentiaries of France reserved to themselves to refer it to their Court

(Signed)

METTERNICH.	CARAMAN.	WELLINGTON.	HATZFELDT.
NESELRODE.	FERRONAY.		LIEVEN.
	CHATEAUBRIAND.		TATISCHEFF.

(A. in Second Inclosure in No. 3.)

Réponse du Cabinet d'Autriche au Mémoire de Monsieur le Duc de Wellington, relativement à la Traite des Nègres.

LE Ministre d'Autriche a ordre de l'Empereur son Maître, de déclarer:

Que Sa Majesté Impériale rend la plus entière justice à la noble persévérance avec laquelle le Gouvernement Britannique a soutenu l'honneur des Gouvernemens Chrétiens et la cause de l'humanité souffrante, dans l'importante question de l'Abolition de la Traite des Nègres;—Que, loin de consentir à ce que Sa Majesté Britannique fût chargée seule en Europe de ce qu'il pourrait y avoir d'embarrassant et de pénible dans cette Question, Sa Majesté Impériale, ne se refusera pas à concourir, autant qu'il sera en Son pouvoir, à toute mesure qui pourroit en faciliter et accélérer le succès.

Conformément à ces sentimens, Sa Majesté Impériale est prête:

A se joindre à une nouvelle Déclaration Générale annonçant l'intention invariable des Puissances de mettre un terme à la Traite des Nègres:

A prendre part aux démarches par lesquelles on engagerait les Puissances Maritimes, qui ont aboli la Traite, à se concerter entr'Elles pour la déclarer *piraterie:*

A retirer l'usage et la protection de Son pavillon, aux individus nés hors de son territoire, s'il devait en exister, qui se serviraient de ce pavillon pour couvrir un Commerce en Esclaves.

Quant à celles des mesures proposées par Monsieur le Duc de Wellington, qui regardent particulièrement le Gouvernement de Sa Majesté Très Chrétienne, Sa Majesté Impériale se réserve, aussitôt que ces mesures pourront former l'objet d'une délibération commune, de les faire appuyer par Son Ministre à Paris, dans telle forme qui serait jugée convenable.

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(Translation.)

Answer of the Cabinet of Austria to the Memoir of the Duke of Wellington, relative to the Slave Trade.

THE Minister of Austria has received orders from the Emperor his Master to declare;—

That His Imperial Majesty renders the most complete justice to the noble perseverance with which the British Government has sustained the honour of Christian Governments, and the cause of suffering humanity, in the important question of the Abolition of the Slave Trade;—That far from consenting that His Britannick Majesty should be the only Sovereign in Europe charged with whatever there may be embarrassing and painful in this question, His Imperial Majesty will not refuse to concur, as far as may be in His power, in every measure which could facilitate and accelerate His success.

In conformity to these sentiments, His Imperial Majesty is ready:

To unite in a renewed general declaration, announcing the invariable intention of the Powers to put an end to the Slave Trade:

To take part in the measures by which the Maritime Powers, who have abolished the Traffick, might be induced to concert among themslves in order to declare it *Piracy*:

To withdraw the use and protection of His Flag, from individuals born out of his territory, (if such should exist) who should avail themselves of that Flag to cover a Commerce in Slaves.

With respect to such of the measures proposed by the Duke of Wellington, as regard particularly the Government of His Most Christian Majesty, His Imperial Majesty reserves to Himself, so soon as these measures shall form the subject of common deliberation, to cause them to be supported by His Minister at Paris, in such form as may be judged expedient.

(B. in second Inclosure in No 3.)

Réponse de Messieurs les Plénipotentiaires de France au Mémoire de Monsieur le Duc de Wellington, relativement à la Traite des Nègres.

Le Mémoire dont Sa Grâce le Duc de Wellington a donné connaissance au Congrès, dans la Séance du 24 de ce mois, a été pris en considération par les Ministres Plénipotentiaries de Sa Majesté Très Chrétienne.

Ils commencent par déclarer, que le Gouvernement Français partage toute la sollicitude du Gouvernement Britannique, pour faire cesser un Commerce également réprouvé de Dieu et des hommes. Le nombre des Esclaves Africains transportés depuis quelques années dans les Colonies, fût-il moindre que ne le calcule l'Angleterre, il serait toujours beaucoup trop grand. L'accroissement de la souffrance des victimes d'une infâme cupidité, inspire une profonde horreur. Les Nations Chrétiennes ne feront jamais trop d'efforts pour effacer la tâche que la Traite des Nègres a imprimée à leur caractère; et on ne saurait trop louer le zèle que l'Angleterre a mis dans la poursuite de ses desseins bienfaisans.

Mais si les Puissances Alliées sont d'accord sur la question morale et religieuse; si Elles font des voeux unanimes pour l'Abolition de la Traite des Nègres, cette Abolition renferme des questions de fait, qui ne sont pas d'une égale simplicité. Les Ministres de Sa Majesté Très-Chrétienne vont les parcourir, en suivant le Mémoire présenté par Sa Grâce le Duc de Wellington.

Toutes les Lois des nations civilisées, le Portugal excepté, prohibent aujourd'hui la Traite des Nègres; il s'ensuit que ce crime, autrefois légal, est

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devenu un crime illégal, et qu'il est doublement condamné par la Nature et par les Lois.

Selon le Mémoire Anglais, cette détestable contrebande d'hommes, est surtout exercée sous le pavillon Français, soit que ce pavillon flotte sur des vaisseaux appartenant à la France, soit qu'il protège des bâtimens étrangers.

Des Pirates peuvent arborer des couleurs respectables; la France ignore si quelques brigands n'ont point emprunté les siennes: ce ne sera jamais qu'à son insçu, que le déshonneur et le crime trouveront un abri sous le pavillon Français.

On fait observer encore, que les bénéfices de la Traite des Nègres sont si grands, et les pertes si petites, que le prix d'assurance en France pour chaque course, ne s'élève pas au delà de 15 pour cent.

Ceci n'est ni un cas particulier à la France, ni un résultat singulier du genre de contravention dont il s'agit.—En Angleterre les marchandises les plus sévérement prohibées, sont importées moyennant l'assurance de 25 pour cent. Quand le Commerce est parvenu, comme de nos jours, à une précision mathématique, toute contrebande a son tarif; et plus le système prohibitif multiplie les entrâves, plus il augmente la fraude en accroissant les profits.

Le Mémoire reconnoît que Sa Majesté Très-Chrétienne a rempli religieusement toutes les stipulations de son Traité avec les quatre Cours Alliées; qu'Elle a promulgué une Loi contre la Traite de Nègres; qu'Elle a fait croiser ses flottes dans les parages de l'Afrique pour maintenir l'exécution de cette Loi: mais le Mémoire ajoute, que le public en France ne paroît pas porter le meme intérêt à la cause que soutient le Gouvernement; que ce public suppose au fond de la question, des vues mercantiles et un dessein hostile contre le Commerce Français. Il se peut, que quelques classes commerçantes de la Société en France, nourissent des soupçons que toute rivalité d'industrie fait naître: cependant on ne peut croire raisonnablement, que le peu de Colonies que la guerre a laissé à la France soit un objet de jalousie pour une Puissance Européenne, qui possede des îles florissantes dans toutes les mers, de vastes territoires en Afrique et en Amérique, et un Continent tout entier en Asie.

Si l'opinion est moins fixée en France qu'en Angleterre sur l'objêt qui nous occupe, cela tient à des causes qu'il est de notre devoir de développer: un peuple aussi humain, aussi généreux, aussi désintéressé que le peuple Français, un peuple toujours prêt à donner l'exemple des sacrifices, mérite qu'on explique ce qui semblerait une anomalie inexplicable dans son caractère.

Le massacre des colons à St. Domingue, et l'incendie de leurs habitations, ont d'abord laissé des souvenirs douloureux parmi des familles qui ont perdu parens et fortune dans ces sanglantes révolutions. Il doit être permis de rappeler ces malheurs des Blancs, quand le Mémoire Anglais retrace avec tant de vérité, les souffrances des Nègres, afin de faire comprendre comment tout ce qui excite la pitié exerce une puissance naturelle sur l'opinion. Il est évident que l'abolition de la Traite des Nègres eût été moins populaire en Angleterre, si elle eût été précédée de la ruine et du meurtre des Anglais dans les Antilles.

Ensuite, l'abolition de cette Traite n'a point été prononcée en France par une Loi Nationale discutée à la Tribune; elle est le résultat de l'article d'un Traité par lequel la France a expié ses victoires. Dès lors elle s'est associée dans les idées de la foule à des considérations étrangères: par cela seul qu'on a cru imposée, elle a été frappée de cette impopularité qui s'attache aux actes de la force; il en fut arrivé ainsi dans tout pays où il existe un esprit public et un juste orgueil national.

Une motion Parlementaire, à jamais honorable pour son auteur, a finalement été couronnée de succès en Angleterre; mais combien d'années ne fut-elle pas repoussée avant d'etre convertie en loi, quoique soutenue par l'un des plus grand Ministres que l'Angleterre ait produit? Pendant ces longs débats, l'opinion eut le temps de se mûrir et de se fixer; le Commerce qui prévoyait l'événement prit ses précautions; un nombre de Nègres, surpassant le be-

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soin des Colons, fut transporté dans les îles Anglaises, et l'on prépara des générations permanentes d'Esclaves, pour remplacer le vuide laissé par la servitude casuelle, lorsqu'elle viendroit à s'abolir.

Rien de tout cela n'a existé pour la France; la fortune et le temps lui ont manqué. La première convention entre la France et l'Angleterre aprés la restauration, avait reconnu la nécessité d'agir avec une prudente lenteur dans une affaire d'une nature si complexe; un article additionnel de cette Convention accordait un délai de cinq années pour l'entière abolition de la Traite des Négres. La déclaration de Vienne du 8 Février 1815, s'exprimant sur la même matière, porte: "que quelque honorable que soit le bût des Souverains, ils "ne le poursuivront pas sans de justes ménagemens pour les intérêts, les ha- "bitudes et les préventions mêmes de leur sujêts." Un louable et vertueux empressement a fait depuis dépasser ces termes, et a peut être multiplié les délits, en froissant trop subitement les intérêts.

Le Gouvernement Français est déterminé à poursuivre sans relâche des hommes engagés dans un négoce barbare; des nombreuses condamnations ont eu lieu, et les tribunaux ont puni dèsqu'on a pu atteindre les coupables. "Il serait affreux," dit le Mémoire Anglais, "que la nécessité de détruire des hommes ne fût que devenue la suite de celle de cacher un Trafic proscrit par les Loix." Cette remarque trop juste, démontre que la Loi Française a été rigoureusement exécutée, et l'excés des précautions cruelles prises par les fauteurs de la Traite pour cacher leurs victimes, prouve d'une manière péremtoire la vigilance du Gouvernement.

Une Loi qui porte à de tels excés pour soustraire le délinquent, à l'action même de cette Loi, pourrait paroître assez forte. Néanmoins la résolution du Gouvernement Français est de faire augmenter les pénaltés légales, aussitôt, que les esprits seront préparés dans la Nation, et par conséquent dans les Chambres Legislatives, à revenir sur le sujet de la Traite des Nègres. Sous ce rapport il est fâcheux, mais utile, de faire remarquer que toute insistance étrangère ajoute aux difficultés du Gouvernement Français, et va contre le bût que se proposent les sentimens les plus généreux.

Il reste à dire quelques mots sur les moyens coërcitifs que Sa Grace le Duc de Wellington propose dans son Mémoire.

Les Ministres Plénipotentiaires de Sa Majesté Très Chrétienne sont prêts à signer toute Déclaration collective des Puissances, tendante à flétrir un commerce odieux, et à provoquer contre les coupables la vengeance des Loix. Mais une Déclaration qui obligeroit tous les Gouvernemens à appliquer à la Traite des Négres les châtimens infligés à la piraterie, et qui se transformeroit en une loi générale du monde civilisé, est une chose qui ne paraît pas aux Ministres Plénipotentiares de Sa Majesté Très Chrétienne être de la compétence d'une réunion politique. Quand il s'agit d'établir la peine de mort, ce sont, selon la nature des Gouvernemens, les corps judiciaires, ou les Corps législatifs qui sont appelés à statuer.

Retirer l'usage et la protection du pavillon Français aux individus étrangers qui se serviroient de ce pavillon pour couvrir le Commerce des Esclaves, rien n'est plus juste: mais la France n'a pas besoin de défendre ce qu' Elle n'a jamais permis.

L'engagement de prohiber l'entrée des Etats des Alliés, aux produits des Colonies appartenant à des Puissances qui n'auroient pas aboli la Traite des Nègres, est une résolution qui frapperait uniquement le Portugal: or, le Portugal n'a point de Représentant au Congrès, et il est de droit avant de passer outre, de l'entendre dans sa cause.

Les mesures indiquées relativement à la France sont bornées, mais elles sont toutes matière de Loi, et par conséquent elles doivent attendre cette faveur de l'opinion qui assure le succès. Le Gouvernement de Sa Majesté Très Chrétienne prendra conseil de lui même, quand le temps sera venu: il sera possible qu'il admette l'enrégistrement des Esclaves; cependant il ne se dissimule pas

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que cette intervention de l'autorité porteroit une espèce d'atteinte au droit de propriété,—droit le plus sacré de tous, et que les Lois de la Grande Bretagne respectent jusques dans ses écarts et ses caprices.

Le Mémoire du Gouvernement Britannique exprime le regret "que la "France soit la seule des Grandes Puissances maritimes de l'Europe, qui n'ait "pas pris part aux Traités conclus avec Sa Majesté Britannique, dans l'objet "de conférer à certains bâtimens de chacune des parties contractantes, un "droit limité de visite, et de confiscation, sur les vaisseaux engagés dans la "Traite des Nègres."

La Constitution que Sa Majesté Très Chrétienne a octroyée à son peuple, abolit la confiscation.—Quant au droit de visite, si le Gouvernement Français pouvait jamais y consentir, il aurait les suites les plus funestes: le caractère national des deux peuples, Français et Anglais, s'y oppose; et s'il était besoin de preuves à l'appui de cette opinion, il suffirait de rappeler, que cette année même, en pleine paix, le sang Français à coulé sur les rivages de l'Afrique. La France reconnaît la liberté des mers pour tous les pavillons étrangers, à quelque Puissance légitime qu'ils appartiennent; elle ne réclame pour Elle, que l'indépendance qu'Elle respecte dans les autres, et qui convient à Sa Dignité.

(Translation.)

Answer of the Plenipotentiaries of France to the Memorandum of His Grace the Duke of Wellington, relative to the Slave Trade.

THE Memorandum which His Grace the Duke of Wellington submitted to the Conferences at the sitting of the 24th of this month, has been taken into consideration by the Plenipotentiaries of His Most Christian Majesty.

They commence by avowing that the French Government participates in the solicitude of the English Government to suppress a Traffick, equally reprehensible in the eyes both of God and Man. The number of African Slaves conveyed to the Colonies for some years past, even if it were less than it is estimated by England, would be still far too great. The accumulated sufferings of these victims of an infamous cupidity, awaken feelings of the greatest horror. Christian Nations can never do too much to efface the stain which the Slave Trade has impressed upon their character; and too much praise cannot be given to England for the zeal she has evinced in the prosecution of this beneficial design.

But if the Allied Powers are agreed on the moral and religious part of the question,—if they are unanimous in the desire for the Abolition of the Slave Trade,—that Abolition embraces points which are not equally simple. The Ministers of His Most Christian Majesty will proceed to refer to them in adverting to the Memorandum presented by His Grace the Duke of Wellington.

The laws of all civilized nations, Portugal excepted, now prohibit the Traffick in Slaves; it follows, that the crime, formerly legal, has become illegal; and that it is condemned, both by Nature and by the Laws.

According to the English Memorandum, this detestable, illicit Traffick in Human Beings, is chiefly carried on under the French flag, whether borne by her own vessels, or protecting those of Foreign Countries.

Pirates may hoist the Colours of respectable States; France is ignorant whether Brigands may not have assumed Her's;—but it shall never be with Her knowledge that dishonour and crime shall find shelter under the French flag.

It is further stated, that the profits of the Slave Trade are so great and the losses so small, that the rate of insurance in France, for a voyage, is only 15 per cent.

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This is neither a singular case with regard to France, nor a singular result of the species of infraction in question. In England, goods the most strictly prohibited, are imported at an insurance of 25 per cent.

When trade has attained, as it has at the present day, such a mathematical precision, every description of illicit traffick has its tarif; and the more prohibitions multiply restraints, the more they augment fraud, by increasing the profits.

The Memorandum acknowledges that His Most Christian Majesty has religiously fulfilled all the stipulations of His Treaty with the four Allied Courts; that He has promulgated a Law against the Traffick in Slaves; and that He has caused His fleets to cruize on the coasts of Africa to enforce the execution of that Law;—but the Memorandum adds, that the French Publick do not seem to take the same interest in the cause, which is manifested by the Government; that the publick imagine that at the bottom there are mercantile motives and views hostile to the commerce of France. It is possible that some commercial classes of society in France entertain such suspicions, which is ever the case where there is any rivalship in industry; nevertheless it cannot reasonably be imagined, that the few Colonies which the War has left to France, should be an object of jealousy for an European Power which possesses flourishing Islands in every sea, vast Territories in Africa and America, and a whole Continent in Asia.

If publick opinion is less decided in France than in England on the question before us, it is to be attributed to causes which it is our duty to develope. A People so humane, so generous, so disinterested, as that of France,—a People always ready to give the example of submitting to sacrifices, deserve to have explained what may appear to be an inexplicable anomaly in their character.

The massacre of the Colonists of St. Domingo, and the burning of their habitations, left, in the first instance, painful recollections amongst families, who lost relations and fortunes in those sanguinary Revolutions. It should be permitted to call to mind these misfortunes of the Whites, when the English Memorandum paints with so much truth the sufferings of the Blacks, in order to show, that every thing which excites pity, naturally influences publick opinion. It is evident that the Abolition of the Slave Trade would have been less popular in England, if it had been preceded by the ruin and murder of the English in the Antilles.

Moreover, the Abolition of this Traffick was not decreed in France by a National Law, discussed in the Tribune,—it is the result of a stipulation in a Treaty, by which France has atoned for her victories. From that moment the measure was coupled, in the eyes of the multitude, with foreign considerations, merely because they believed it to be imposed upon them, and it therefore became subjected to that unpopularity which attends compulsory measures: the same thing would have happened in any country where publick spirit and a proper degree of national pride exist.

A Motion in Parliament, ever honourable to its author, was finally crowned with success in England;—but for how many years was it not rejected before it was carried into a law, although the measure was supported by one of the greatest Ministers England ever produced? During these protracted debates, publick opinion had time to mature, and to come to an ultimate decision. The Mercantile Interest, which foresaw the event, took its precautions; a number of Negroes, exceeding the wants of the Colonists, were conveyed into English Islands; and successive generations of Slaves were provided to fill up the void to be occasioned by the Abolition, when it should take place, of casual Slavery.

No advantage of this description was possessed by France,—good fortune and opportunity failed Her. The first Convention between France and England, after the restoration, recognized the necessity of acting with prudent caution in

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a matter of so complex a nature; an additional Article to that Convention allowed a delay of five years for the entire abolition of the Slave Trade.

The Declaration of Vienna of the 8th February 1815, expressing itself upon the same subject, speaks as follows: "that however honourable might be the intentions of the Sovereigns, they would not prosecute the measure without due consideration for the interests, habits, and even prejudices of their subjects." An anxiety, praiseworthy and virtuous, subsequently occasioned the exceeding of these terms, and perhaps multiplied transgressions by affecting too suddenly private interests.

The French Government are determined to prosecute without intermission persons engaged in this barbarous traffick: numerous condemnations have taken place, and the Courts of Judicature have punished as soon as they could fix upon the guilty. "It would be dreadful," states the English Memorandum, "that the necessity to destroy human beings has become the consequence of that of concealing a Traffick proscribed by the laws."

This too just remark proves that the French law has been rigorously executed; and the extreme of cruel precautions taken by the violators of the Treaty to secrete their victims, proves in a striking manner the vigilance of the Government.

A law which induces the delinquent to proceed to such an extremity in order to screen himself from its operation, may be considered as sufficiently severe. Nevertheless the determination of the French Government is to augment the legal penalties, as soon as the publick feeling, and consequently that of the Legislative Assembly, will permit, the reconsideration of the question of the Slave Trade.

With this view it is painful, although proper to point out, that all foreign interference adds to the difficulties of the French Government, and runs counter to the object proposed by the most generous sentiments.

It remains briefly to advert to the coercive measures proposed by His Grace the Duke of Wellington in His Memorandum.

The Ministers Plenipotentiary of His Most Christian Majesty, are ready to sign any Declaration collectively with the other Powers, tending to put down this odious Commerce, and to inflict upon the guilty the vengeance of the Laws.—But a Declaration which would oblige every Government to apply to the Slave Trade the punishment inflicted upon Piracy, and which would convert it into a general law for the civilized world, is a thing which does not appear to the Ministers Plenipotentiary of His Most Christian Majesty, to be within the competency of political Conference.—When the punishment of death is in question it is the Judicial or Legislative Bodies, according to the particular forms of Government, that are called upon to enact it. Nothing is more just than to withdraw the use and protection of the French Flag from Foreigners, who might use it to cover the Traffick in Slaves; but France has no occasion to prohibit that which She has never permitted.

The Engagement to prohibit the importation into the States of the Allied Powers, of Colonial Produce belonging to States which should not have abolished the Slave Trade, is a measure which would only affect Portugal; and She having no Representative at Congress, it is but an act of justice to pause and allow Her to be heard in Her own cause.

The measures indicated with regard to France are limited, but they are all matter of Law, and consequently they ought to wait the approbation of publick opinion to insure their success. The Government of His Most Christian Majesty will take them into their consideration when the time for doing so shall have arrived: it may possibly permit the registration of Slaves; but it cannot disguise its opinion that such an interference of authority would be a violation of the right of property; a right sacred, above all others, and which the Laws of Great Britain respect, even in its extravagancies and caprices.

The Memorandum of the British Government expresses regret "That

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France should be the only one amongst the Great Maritime Powers of Europe, where Government has not entered into the Treaties which have been concluded with His Britannick Majesty, for giving to certain of the Ships of each of the contracting Parties, a limited power of search, and capture of Ships engaged in the Slave Trade."

The Constitution which His Most Christian Majesty has granted to His people, abolishes confiscation.—With regard to the right of search, if the French Government could ever consent to it, it would have the most disastrous consequences.—The national character of the two people, French and English, forbids it; and if proofs were necessary to support this opinion, it would suffice to call to mind, that even in this year, in profound peace, French blood has flowed on the coasts of Africa.—France acknowledges the liberty of the Seas to all Foreign Flags, to whatever legitimate Power they may belong; She only demands for Herself that independence which she respects in others, and which belongs to Her own dignity.

(C. in Second Inclosure in No. 3.)

Réponse de Messieurs les Plénipotentiaires de Prusse au Mémoire de M. le Duc de Wellington, rélativement à la Traite des Nègres.

Vérone, le 28 *Novembre* 1822.

LES Plénipotentiaires de Sa Majesté le Roi de Prusse, n'ayant été mis qu'hier tard dans la journée en possession du Mémoire de Sa Grace M. le Duc de Wellington, rélatif à la Traite des Nègres, qui a été lu à la Conférence du 24 de ce mois, doivent se borner aujourd'hui à déclarer préalablement:—

Que le Roi, leur Maître, reste invariablement fidèle au principe d'humanité qui a porté les Puissances signataires de l'acte du Congrès de Vienne, à prononcer l'Abolition de la Traite des Nègres, et qu'ils sont pleinement autorisés à concourir, au nom de Sa Majesté, à toute nouvelle Déclaration, que les Cours Alliées jugeraient nécessaire, pour manifester encore une fois Leurs sentimens à cet égard:

Que quant aux mesures politiques et législatives, que le Gouvernement Britannique juge les plus propres à l'effet de voir reprimer les abus qu'll dénonce, ils ne sauraient que prendre, *ad referendum*, une position, dont l'adoption excéderait leur pouvoir: et

Qu'ils pensent, qu'avant de se prononcer sur ce que le Gouvernement Anglais demande à la France, il sera convenable d'attendre les explications, que Messieurs les Plénipotentiaires de Sa Majesté Très Chrétienne vont donner à ce sujet.

(Translation.)

Answer of the Prussian Plenipotentiaries to the Memorandum of the Duke of Wellington respecting the Slave Trade.

Verona, November 28, 1822.

THE Plenipotentiaries of His Majesty the King of Prussia, not having received until a late hour yesterday, the statement of His Grace the Duke of Wellington, on the subject of the Slave Trade, which was read at the Conference of the 21st instant, must for the present confine themselves to declaring in the first instance:—

That the King, their Master, continues invariably faithful to the principle

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of Humanity which induced the Powers who signed the Act of the Congress of Vienna, to decree the Abolition of the Slave Trade; and that they are fully authorized, in the name of His Majesty, to concur in any fresh Declaration which the Allied Courts may deem necessary, in order to manifest anew their sentiments on this head:—

That with respect to the political and legislative measures which the British Government may consider the best adapted to correct the abuses complained of, the Plenipotentiaries can only take, *ad referendum*, a proposition, the adoption of which would exceed their powers:—and

That they are of opinion, that prior to deciding upon what the English Government requires from France, it would be expedient to wait for the explanations which His Most Christian Majesty's Plenipotentiaries are about to give upon the subject.

(D. in Second Inclosure in No. 3.)

Réponse des Plenipotentiaires de Russie au Mémoire Britannique: sur la Traite des Nègres.

Le Mémoire par lequel Son Excellence Monsieur le Duc de Wellington vient de rappeler à l'attention des Cours Alliés l'objet important de la Traite des Négres et d'indiquer les mesures, que le Gouvernement de Sa Majesté Britannique croit les plus capables d'anéantir les restes de cet odieux Commerce, a été porté à la connaissance de l'Empereur, qui charge son Cabinet d'y faire la réponse suivante.

Depuis long temps, Sa Majesté Impériale a prouvé toute l'horreur que Lui inspire un Trafic, qui fait la honte de la civilisation.

Il était certainment digne d'une epoque, qui a vu les principes de la morale religieuse présider enfin aux combinations de la politique, et les droits legitimes reprendre leur salutaire empire, de frapper d'interdiction un Commerce que réprouve hautement le culte professé par tous les Etâts de l'Europe, et que leur intérêt bien entendu ne doit pas moins réprouver, s'il est vrai que jamais la violation des premiéres loix de l'humanité et de la nature n'ont assuré d'avantages réels ni aux peuples ni aux Gouvernemens.

Convaincu de ces grandes vérités, l'Empereur se fit un devoir de les reconnâitre solemnellement, dès que la conclusion d'une paix glorieuse offrît aux Puissances Européennes l'occasion de consacrer comme bases de leurs rélations nouvelles, toutes les maximes de sagesse, d'equité et de bienveillance réciproque. En 1814, Sa Majesté Impériale s'empressa de donner Son approbation aux clauses qui devaient préparer l'abolition définitive de la Traite des Noirs. En 1815, Ses Représentans signèrent la déclaration publiée au nom du Congrés de Vienne. Depuis lors, les soins de Son Cabinet ont eu pour objet constant, d'accélérer la réalisation franche et compléte de ces honourables promesses. Les actes des Conférences de Londres prouvent qu'à cet égard sa sollicitude ne s'est jamais démentie. Ceux de la réunion d'Aix-la-Chapelle l'attestent également, et le Gouvernement Britannique devait être sûr de trouver Sa Majesté Impériale prête à le seconder dans les efforts qu'il renouvelle, pour amener la cessation totale de la Traite des Negres.

Parmi les mesures proposées a cet effet, il en est quelques-unes qui concernent directement la Russie, et au sujet desquelles ses Plénipotentiaires vont exprimer l'opinion de l'Empereur. Il en est d'autres qui regardent plus spécialement les Alliés de Sa Majesté. Au nombre des prèmieres doit être rangé le projet d'une Declaration qui annonçerait à l'Europe que les Puissances persistent dans la ferme résolution d'empecher ce Traffic si condamnable partout où la cupidité ose le continuer encore. Les Plénipotentiaires de Sa Majesté Impériale ont ordre de signer une telle Déclaration. Ce sera avec la satisfaction la plus vive que l'Empereur donnera cette garantie de la persévérance avec

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laquelle Il s'efforce d'accomplir les engagemens qu'il a contracté, et Sa Majesté Impériale est prête à faire connaître en même temps de concert avec ses Alliés, qu' Elle ne souffrira jamais, que des individus nés hors de son territoire se servent de son pavillon et abusent de la protection qu'il leur garantirait, pour couvrir un Commerce d'Esclaves.

A la catégorie des mesures qui concernent directement l'Empereur, appartient aussi la proposition d'interdire le Commerce des denrées coloniales, avec les Etats qui refuseraient d'abolir le Commerce des Noirs.

En reconnaissant la nécessité d'avoir recours à des moyens efficaces envers ces états, Sa Majesté Impériale pense, que si les Cabinets Alliés se bornaient à prendre la détermination indiquée par le Cabinet de Londres, ils seraient encore loin d'atteindre l'objêt qu'ils ont en vue, et qu'une suspension générale de tout Commerce quelconque, avec la seule Puissance qui n'ait point encore défendu la Traite des Nègres au midi de la ligne, conduirait bien plus promptement au résultat désiré. Quelque préjudiciable que dût être à la Russie l'interruption des rapports commerciaux, qu'une longue série d'années a établis entr'elle et le Portugal, si les Alliés de Sa Majesté Impériale consentaient à prendre cette mesure, l'Empereur n'hésiterait pas de s'imposer le même sacrifice; mais il Lui semble que, dans tous les cas, il serait juste de prevenir d'avance la Cour de Lisbonne des suites qu'entraînerait le refus d'abolir totalement la Traite des Nègres. Les Cabinets Alliés conviendront sans doute, que l'équité exigerait cette démarche préalable.

Quant aux autres propositions faites par Son Excellence Monsieur le Duc de Wellington, et qu' intéressent plus particulièrement les Puissances maritimes, le Cabinet de Sa Majesté Impériale exprimera constamment les vœux que forme l'Empereur pour qu'il puisse s'établir entre ces Puissances un accord qui fournirait à chacune d'Elles les moyens de réprimer, parmi leurs sujets respectifs, la continuation de la Traite, en la déclarant Acte de Piraterie; et comme, parmi ces propositions, il y en a qui concernent spécialement le Gouvernement de Sa Majesté Très Chrétienne, l'Empereur est prêt à les faire appuyer dans les négociations qui pourront s'ouvrir à ce sujêt.

(Translation.)

Answer of the Russian Plenipotentiaries to the Duke of Wellington's Memorandum on the Slave Trade.

THE Memorandum by which His Excellency the Duke of Wellington has recalled the attention of the Allied Courts to the important subject of the Slave Trade, and pointed out the measures which the British Government consider as best calculated to do away the remains of that odious Traffick, has been submitted to the Emperor, who has commanded His Ministers to make the following reply:

His Imperial Majesty has for a long time felt all the horror that a Traffick, the disgrace of civilisation, could inspire.

It was certainly worthy of an age which saw the principles of morality and religion at length preside over political combinations, and legitimate rights reassume their salutary sway, to interdict a Commerce so totally repugnant to the religion professed by all the States of Europe, and which their own interests would equally forbid, if it be true that never did the violation of the first laws of Nature and Humanity secure real advantages either to Governments or to Nations.

Convinced of these great truths, the Emperor considered it His duty solemnly to acknowledge them, so soon as the conclusion of a glorious peace afforded the Powers of Europe an opportunity to consecrate, as the bases of their new relations, all the maxims of wisdom, of equity, and of reciprocal benevolence. In 1814,

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His Imperial Majesty hastened to give His approbation to the clauses which were to lead to the definitive abolition of the Slave Trade. In 1815, His Representatives signed the Declaration published in the name of the Congress of Vienna. Since then, the attention of His Cabinet has been unceasingly directed to accelerate the fair and complete fulfilment of those honourable intentions. The Acts of the Conferences in London, prove that in this respect His solicitude has never varied. Those of the meeting at Aix la Chapelle bear equal testimony to the fact; and the British Government may confidently rely upon His Imperial Majesty's readiness, to second its renewed efforts to bring about the total Abolition of the Slave Trade.

Amongst the measures proposed to this effect, there are some in which Russia is immediately concerned, and respecting which Her Plenipotentiaries will now state His Imperial Majesty's opinion. There are others which affect more particularly His Majesty's Allies. Amongst the first should be classed the project of a Declaration announcing to Europe, that all the Powers continue in the firm resolution to prevent this culpable Traffick, wherever cupidity still dares to prosecute it.

The Plenipotentiaries of His Imperial Majesty have orders to sign such a Declaration. It will be with the highest satisfaction that the Emperor will furnish this guarantee of the perseverance with which He seeks to fulfil the engagements He has contracted; and His Imperial Majesty is ready at the same time to make known, in concert with His Allies, that He will never suffer individuals, born out of His territories, to adopt His Flag and abuse the protection it would afford them, in order to cover a Commerce in Slaves.

The proposition of interdicting trade in Colonial Produce with States who should refuse to abolish the Slave Trade, also forms part of the measures in which the Emperor is more particularly concerned.

In admitting the necessity of having recourse to efficacious measures, with regard to those States, His Imperial Majesty thinks, that if the Allied Cabinets were to confine themselves to adopting the determination pointed out by the Cabinet of London, they would still be far from attaining the object which they have in view; and that a general suspension of all Commerce whatever, with the only Power which has not hitherto forbidden the Slave Trade to the South of the Line, would tend much more promptly to the wished-for result. However prejudicial to the interests of Russia, the interruption of the Commercial Relations established for so long a series of years between Her and Portugal, might be, if the Allies of His Imperial Majesty were to consent to adopt this measure, the Emperor would not hesitate to impose on Himself the same sacrifice; but it appears to him that it would in any case be right, previously to apprise the Court of Lisbon of the consequences which their refusal, totally to abolish the Slave Trade, would entail upon them.—The Allied Cabinets will doubtless admit that equity demands this prior measure.

As to the other Propositions made by the Duke of Wellington, and which are more particularly interesting to the Maritime Powers, the Cabinet of His Imperial Majesty will constantly express the wish which the Emperor forms, that such arrangement may be made between those Powers as will enable each of them to suppress the Traffick amongst their respective subjects, by declaring it to be an act of Piracy; and, as amongst these Propositions there are some which particularly concern the Government of His Most Christian Majesty, the Emperor is ready to support the same in the Negotiations which may take place upon this subject.

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(E. in Second Inclosure in No. 3.)

Résolutions rélatives à l'Abolition de la Traite des Nègres, adoptées à la Conférence, du 28 Novembre 1822.

LES Plénipetentiaires d'Autriche, de France, de la Grande Bretagne, de Prusse, et de Russie, réunis en Congrés à Vérone—Considérant—Que Leurs Augustes Souverains ont pris part à la Déclaration du 8 Février, 1815, par laquelle les Puissances réunies an Congrès de Vienne ont proclamé à la face de l'Europe leur Résolution invariable de faire cesser le Commerce connu sous le nom de la Traite des Nègres d'Afrique:

Considérant de plus—que malgré cette Déclaration, et en dépit des mesures Législatives dont Elle a été suivie dans plusieurs pays, et des différens Traités conclus depuis la dite époque entre les Puissances Maritimes, ce Commerce solemnellement proscrit, a continué jusqu'à ce jour, qu'il a gagné en intensité ce qu'il peut avoir perdu en étendue, qu'il a pris même un caractère plus odieux et plus funeste par la nature des moyens aux quels ceux qui l'exercent sont forcés d'avoir recours:

Que les causes d'un abus aussi revoltant se trouvent principalement dans les pratiques frauduleuses, moyennant lesquelles les entrepreneurs de ces spéculations condamnables éludent les lois de leurs pays, déjouent la surveillance des bâtimens employés pour arrêter le cours de leurs iniquités, et couvrent les opérations criminelles dont des milliers d'êtres humains deviennent, d'année en année, les innocentes victimes:

Que les Puissances de l'Europe sont appelées par leurs engagemens antérieurs, autant que par un devoir sacré, à chercher les moyens les plus efficaces pour prévenir un traffic, que déjà les Lois de la presque totalité des pays civilisés ont déclaré illicite et coupable, et pour punir rigoureusement ceux qui le poursuivent, en contravention manifeste de ces Lois;—

Ont reconnu la necessité de vouer l'attention la plus sérieuse à un objet d'aussi grande importance pour le bien et l'honneur de l'humanité, et déclarent en conséquence au nom de Leurs Augustes Souverains;

Qu'ils persistent invariablement dans les principes et les sentimens, que ces Souverains ont manifestés par la Déclaration du 8 Février 1815.—Qu'ils n'ont pas cessé, et ne cesseront jamais de regarder le Commerce de Nègres comme —" Un fleau, qui a trop long-tems désolé l'Afrique, dégradé l'Europe, et affligé " l'humanité," et qu'ils sont prêts à concourir à tout ce qui pourra assurer et accélérer l'Abolition complète et définitive de ce Commerce.

Qu'àfin de donner effet à cette Déclaration renouvelée, leurs Cabinets respectifs se livreront avec empressement à l'examen de toute mesure compatible avec leurs droits et les intérêts de leurs sujets, pour amener un résultat, constatant aux yeux du monde la sincérité de leurs voeux et de leurs efforts, en faveur d'une cause digne de leur solicitude commune.

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(Translation.)

Resolutions respecting the Abolition of the Slave Trade, adopted in the Conference of the 28th November 1822.

THE Plenipotentiaries of Austria, of France, of Great Britain, of Prussia, and of Russia assembled in Congress at Verona, Considering,—that their august Sovereigns have taken part in the Declaration of the 8th February 1815, by which the Powers assembled at the Congress of Vienna, have proclaimed in the face of Europe, their invariable resolution to put a stop to the Commerce known by the name of the African Slave Trade:

Considering moreover, that notwithstanding this Declaration, and in spite of the legislative measures which have in consequence been adopted in various Countries, and of the several Treaties concluded since that period between the Maritime Powers,—this Commerce, solemnly proscribed, has continued to this very day; that it has gained in activity what it may have lost in extension; that it has even taken a still more odious character, and more dreadful from the nature of the means to which those, who carry it on, are compelled to have recourse:

That the causes of so revolting an abuse are chiefly to be found in the fraudulent practices, by means of which, the persons engaged in these nefarious speculations, elude the Laws of their Country and the vigilance of the Cruizers stationed to put a stop to their iniquities; and veil those criminal operations, of which thousands of human beings annually become their innocent victims:

That the Powers of Europe are called upon by their previous engagements, as well as by sacred duty, to seek the most efficient means of preventing a Traffick, which the Laws of almost every civilized Country have already declared to be culpable and illegal; and of punishing with severity those who persist in carrying it on, in manifest violation of those Laws;

Acknowledge the necessity of devoting the most serious attention to an object of such importance to the honour and welfare of humanity; and consequently declare in the name of their august Sovereigns:—

That They continue firm in the principles and sentiments manifested by those Sovereigns in the Declaration of the 8th of February 1815;—that They have never ceased, nor ever will cease, to consider the Slave Trade as—"a "scourge which has too long desolated Africa, degraded Europe, and afflicted "humanity;" and that They are ready to concur in every thing that may secure and accelerate the complete and final Abolition of that Traffick:

That in order to give effect to this renewed Declaration, their respective Cabinets will eagerly enter into the examination of any measure, compatible with their rights and the interests of their subjects, to produce a result that may prove to the world the sincerity of their wishes, and of their efforts in favour of a cause worthy of their common solicitude.

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EXPLANATORY AND ADDITIONAL ARTICLES

TO THE

Treaty concluded at Madrid, September 23, 1817,

BETWEEN

HIS MAJESTY

AND

THE KING OF THE SPAINS,

FOR THE

PREVENTION OF THE TRAFFIC IN SLAVES,

Signed at Madrid, December 10, 1822.

Presented to both Houses of Parliament by His Majesty's Command, 1823.

LONDON:

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EXPLANATORY AND ADDITIONAL ARTICLES

FOR THE

PREVENTION OF THE TRAFFIC IN SLAVES,

Signed at Madrid, December 10, 1822.

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Explanatory Article to the Treaty between His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of the Spains, concluded and signed at Madrid, September 23, 1817.

WHEREAS it is stated in Article I. of "Instructions intended for the "British and Spanish ships of war employed to prevent the illicit traffic "in Slaves," that "ships on board of which no Slaves shall be found, intended "for purposes of traffic, shall not be detained on any account or pretence "whatever." And whereas it has been found by experience, that vessels employed in the illegal traffic have put their Slaves momentarily on shore, immediately prior to their being visited by ships of war, and that such vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Treaty above mentioned:—

The High Contracting Parties therefore feel it necessary to declare, and it is hereby declared by them, that if there shall be clear and undeniable proof that a Slave or Slaves has or have been put on board a vessel for the purpose of illegal traffic, in the particular voyage on which the vessel shall be captured, then, and on that account, according to the true intent and meaning of the Stipulations of the Treaty, such vessel shall be detained by the cruizers, and finally condemned by the Commissioners.

This Explanatory Article shall have the same force and effect, as if it were inserted word for word in the said Treaty, and shall be held to form part of the same.

In witness whereof, the undersigned, furnished with full powers to that effect, have hereunto signed their names and affixed their seals.

Done at Madrid, the tenth day of December 1822.

(L. S.) WILLIAM A'COURT.

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Articulo declaratorio del Tratado existente entre Su Magestad El Rey del Reyno Unido de la Gran Bretaña é Irlanda, y Su Magestad El Rey de las Españas, firmado en Madrid, á 23 Setiembre de 1817.

ESTANDO estipulado en el Articulo I. de las Instrucciones para los buques de guerra Españoles é Ingleses, empleados en impedir el ilicito comercio de Esclavos, " Que los Buques á cuyo bordo no se hallaren Esclavos destinados " para el Trafico, no serán detenidos bajo ningun pretexto ó motivo:" y habiendo acreditado la experiencia, que algunos Buques empleados en dicho ilegal Trafico, han desembarcado momentaneamente los Esclavos que tenian á su bordo, inmediatamente antes de ser visitados por los Buques de Guerra, logrando por este medio evadirse de la confiscacion, y continuar impunemente sus ilegitimos procedimientos, contra el verdadero objeto y espiritu del referido Tratado:—

Las Altas Partes Contratantes creen necesario declarar, como por el presente Articulo declarán, Que si constare por una prueba clara é irrefragable, que hubiesen sido embarcados uno ó mas Esclavos en cualquier Buque con objeto de Comercio ilegitimo, durante el viage particular en que fuere apresado, en tal caso, y en virtud de esta causa, segun el verdadero espiritu y sentido de las estipulaciones del Tratado, el mencionado Buque será detenido por los cruceros, y condenado por los Comisionados.

El presente Articulo declaratorio tendrá la misma fuerza y efecto que si estuviese inserto á la letra en dicho Tratado, y se considerará como parte del mismo.

En fé de lo cual, los Infrascriptos, autorizados con plenos poderes al efecto, han firmado y sellado el presente convenio en Madrid, á diez de Diciembre de 1822.

(L. S.) EVARISTO SAN MIGUEL.

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Additional Article to the Treaty between His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of the Spains, signed at Madrid, September 23, 1817.

THE High Contracting Parties hereby agree, that in the event of the absence, on account of illness or of any other unavoidable cause, of one or more of the Commissioners, Judges and Arbitrators under the above mentioned Treaty, or in the case of their absence in consequence of leave from their Government, duly notified to the Board of Commission sitting under the said Treaty, their posts shall be supplied in the same manner in which, by the Article XIV. of the "Regulations" for the Mixed Commissions, those vacancies in the Commission are to be supplied, which may occur by the death of one or more of the Commissioners aforesaid.

This Article shall have the same force and effect as if it had been inserted word for word in the above mentioned Treaty, and shall be held to form part of the same.

In witness whereof, the undersigned, duly furnished with full powers to that effect, have signed the present Additional Article, and have affixed thereunto the seal of their Arms.

Done at Madrid, the tenth day of December 1822.

(L. S.) WILLIAM A'COURT.

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Articulo Adicional al Tratado existente entre Su Magestad El Rey del Reyno Unido de la Gran Bretaña é Irlanda, y Su Magestad El Rey de las Españas, firmado en Madrid, à 23 Setiembre 1817.

LAS Altas Partes Contratantes estipulan por el presente Articulo, Que en caso de ausentarse por enfermedad ú otra causa inevitable, uno ó mas Comisionados, Jueces, Arbitros, establecidos con arreglo al referido Tratado, ó sea que proceda esta ausencia de permiso dado por su Gobierno, y notificado en debida forma al Tribunal de Comision formado en virtud del mencionado Tratado, serán substituidas sus plazas del mismo modo en que, con arreglo al XIV. Articulo del Reglamento para las Comisiones Mixtas, se deben suplir las vacantes que ocurran en la Comision por muerte de uno ó mas de dichos Comisionados.

Este Articulo tendrá la misma fuerza y efecto que si estuviese inserto á la letra en dicho Tratado, y se tendrá por parte del mismo.

En fé de lo cual, los Infrascriptos, autorizados con plenos poderes al efecto, han firmado y sellado el presente convenio en Madrid, à diez de Diciembre de 1822.

(L. S.) EVARISTO SAN MIGUEL.

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EXPLANATORY AND ADDITIONAL ARTICLES

TO THE

Treaty concluded at The Hague, May 4, 1818,

BETWEEN

HIS MAJESTY

AND

THE KING OF THE NETHERLANDS,

FOR THE

PREVENTION OF THE TRAFFIC IN SLAVES,

Signed at Bruxelles, December 31, 1822,

and January 25, 1823.

Presented to both Houses of Parliament by His Majesty's Command, 1823.

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Articles Explanatory of, and Additional to, the Treaty concluded at the Hague, May 4, 1818, between His Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of the Netherlands, for the prevention of the Traffic in Slaves.

Signed at Bruxelles, December 31, 1822.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, having thought fit to agree upon the following arrangements, additional to and explanatory of the Treaty concluded between their aforesaid Majesties at the Hague, on the 4th of May 1818, for the prevention of the trade in Slaves, have therefore named as Plenipotentiaries *ad hoc*:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally in the United Kingdom of Great Britain and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain and also in Ireland, Member of the Committee of the first for the Affairs of Commerce and Colonies, Colonel of the Regiment of Militia of the County of Galway, Vice Admiral of the Province of Connaught, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Royal Hanoverian Guelphic Order, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the Netherlands, Grand Duke of Luxembourg: and His Majesty the King of the Netherlands, Anne William Charles, Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion, and of that of Charles the Third, of the Legion of Honour, and of the Royal Hanoverian Guelphic Order, Chamberlain, and Minister of State, holding the department of Foreign Affairs: who, having exchanged their full powers, found in good and due form, have agreed on the following explanatory and additional Articles:

ARTICLE I.

Whereas it is stated in Article I. of "Instructions intended for the "British and Dutch Ships of War, employed to prevent the illicit Traffic in "Slaves," that "Ships on board of which no Slaves shall be found intended "for purposes of Traffic, shall not be detained on any account or pretence "whatever." And whereas it has been found by experience, that vessels employed in the illegal traffic, have unshipped their Slaves immediately prior to their being visited by the ships of war, and that such vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Treaty above-mentioned:—

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The High Contracting Parties therefore feel it necessary to declare, and it is hereby declared by them, that, if there shall be clear and undeniable proof, that a Slave or Slaves has or have been put on board a vessel for the purpose of illegal traffic, in the particular voyage on which the vessel shall be captured, then, and on that account, according to the true intent and meaning of the stipulations of the Treaty, such vessel shall be detained by the cruizers, and finally condemned by the Commissioners.

ARTICLE II.

The High Contracting Parties hereby agree, that in the event of the absence on account of illness, or of any other unavoidable cause, of one or more of the Commissioners, Judges and Arbitrators under the above-mentioned Treaty, or in the case of their absence in consequence of leave from their Government, duly notified to the Board of Commission sitting under the said Treaty, their posts shall be supplied in the same manner in which, by the Article IX. of the Regulations for the Mixed Commissions, those vacancies in the Commission are to be supplied, which may occur by the death of one or more of the Commissioners aforesaid.

The explanatory and additional Articles above-mentioned shall be submitted to the Ratification of the respective Sovereigns, and shall have the same force and effect as if they were inserted word for word in the Treaty of the 4th of May 1818 above-mentioned, and shall be held to form part of the same.

The Acts of Ratification shall be exchanged within the space of one month from this date, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the present Act, and thereunto affixed the seal of their arms.

Done at Bruxelles, this thirty-first day of December, in the year of our Lord one thousand eight hundred and twenty-two.

(L. S.) CLANCARTY.
(L. S.) A. W. C. DE NAGELL.

Further Additional Article to the before mentioned Treaty.

Signed at Bruxelles, January 25, 1823.

HIS Majesty the King of the United Kingdom of Great Britain and Ireland, and His Majesty the King of the Netherlands, having thought fit to agree upon the following further arrangement, additional to the Treaty concluded between Their aforesaid Majesties at the Hague, on the 4th of May 1818, for the prevention of the trade in Slaves, and also in addition to the two Explanatory and Additional Articles, executed by the Plenipotentiaries of Their said Majesties, on the 31st of December 1822, have named, authorized, and directed the same Plenipotentiaries to sign, in their names, an agreement *ad hoc*:—

His Majesty the King of the United Kingdom of Great Britain and Ireland, The Right Honourable Richard Earl of Clancarty, Viscount Dunlo, Baron Kilconnel, Baron Trench of Garbally in the United Kingdom of Great Britain and Ireland, one of His Majesty's Most Honourable Privy Council in Great Britain, and also in Ireland, Member of the Committee of the first for the affairs of Commerce and Colonies, Colonel of the Regiment

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of Militia of the county of Galway, Vice Admiral of the Province of Connaught, Knight Grand Cross of the Most Honourable Order of the Bath, and of the Royal Hanoverian Guelphic Order, Ambassador Extraordinary and Plenipotentiary of His said Majesty to His Majesty the King of the Netherlands, Grand Duke of Luxembourg.

And His Majesty the King of the Netherlands, Anne William Charles, Baron de Nagell d'Ampsen, Member of the Body of Nobles of the Province of Guelderland, Knight Grand Cross of the Order of the Belgic Lion, and of that of Charles the Third, of the Legion of Honour, and of the Royal Hanoverian Guelphic Order, Chamberlain, and Minister of State holding the Department of Foreign Affairs: who, having exchanged their full powers, found in good and due form, have agreed upon the following additional Article.

ADDITIONAL ARTICLE.

And it is hereby further agreed, that upon proof being duly given before the Mixed Court, whereupon it shall appear that any ship or vessel, subject to examination under the Treaty, or under the Explanatory or Additional Articles, and detained hovering or sailing upon the Coast of Africa, within one geographic degree to the westward thereof, and between the twentieth degree of latitude north of the Equinoctial Line, and the twentieth degree of latitude to the southward thereof, or at anchor within any of the rivers, bays, or creeks of the said coast, within the limits above particularly specified, or at anchor in any part within the said limits, and which ship or vessel, in her outfit and equipment, shall fall within one or more of the following designations, namely:

1.—Having her hatches fitted with open gratings, instead of being close hatches as usual in merchant vessels.

2.—Having more divisions or bulk heads in the hold or on deck, than necessary for trading vessels.

3.—Having on board spare plank, either actually fitted in that shape, or fit for readily laying a second or moveable deck, or Slave deck.

4.—Having on board shackles, bolts, or handcuffs.

5.—Having on board an unreasonable quantity of water in casks or in tanks, more than sufficient for the consumption of her crew as a merchant vessel.

6.—Having on board an unreasonable number of water casks or other vessels for holding water, unless the master shall produce a certificate from the Custom-House from the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel, that such extra quantity of casks or other vessels should only be used for the reception of palm oil.

7.—Having on board a greater quantity of mess-tubs or kids than requisite for the use of her crew, as a merchant vessel.

8.—Having on board two or more copper boilers, or even one of an unreasonable size, larger than requisite for the use of her crew as a merchant vessel.

9.—Having on board an unreasonable quantity of rice or farinha (flour of the manioc of Brazil, or of cassada,) or maize, or Indian corn, beyond any probable requisite provision for the use of her crew, and such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

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The proof of these, or of any one or more of these several indications, shall be considered as *primâ facie* evidence of her actual employment in the Slave Trade, and unless rebutted by satisfactory evidence upon the part of the master or owners, that such ship or vessel was otherwise legally employed at the time of detention or capture, the ship or vessel shall thereupon be condemned and declared lawful prize.

The aforesaid Additional Article shall be submitted to the ratification of the respective Sovereigns, and shall have the same force and effect as if it were inserted word for word in the Treaty of the 4th of May 1818 above-mentioned, and shall be held to form part of the same.

The Acts of Ratification shall be exchanged within the space of one month from this date, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the present Act, and thereunto affixed the seal of their arms.

Done at Bruxelles, the twenty-fifth day of January, in the year of our Lord one thousand eight hundred and twenty-three.

(L. S.) CLANCARTY.
(L. S.) A. W. C. DE NAGELL.

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CORRESPONDENCE

WITH

FOREIGN POWERS,

RELATIVE TO

THE SLAVE TRADE.

1822. 1823.

Presented to both Houses of Parliament, by Command of His Majesty, July 1823.

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CORRESPONDENCE

WITH

FOREIGN POWERS,

WITH WHOM

HIS MAJESTY

HAS CONCLUDED

TREATIES,

RELATIVE TO

THE SLAVE TRADE;

VIZ:

THE NETHERLANDS,

SPAIN,

AND

PORTUGAL.

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Class A.

CORRESPONDENCE

WITH

FOREIGN POWERS.

NETHERLANDS.

No. 1.

The Marquess of Londonderry to The Earl of Clancarty, (and to E. M. Ward and Lionel Hervey, Esqrs.)

(Circular.) *Foreign Office, February* 22, 1822.

IT appears by a reference to the Treaty for preventing illegal Traffick in Slaves, signed between this Court and the Court of ..... that no provision is made for supplying, temporarily, the *Vacancies* occurring in the Mixed Commissions from any other cause than death. As it has already happened at Sierra Leone, and as it may probably happen elsewhere, that a Commissioner, from illness, is unable to perform his functions, I am commanded by His Majesty to direct that you will suggest to the Government of His ..... Majesty, the expediency of extending to the cases, of absence of the Commissioners from illness, or from the permission, regularly notified, of their respective Governments—those provisions of the Treaty which apply to the temporary vacancy occasioned by the death of one or more of the Commissioners.

By the provisions of the Treaty, the disadvantage, if any should arise, will always fall on the side of the Contracting Party who neglects or delays to supply the vacancy; and, while a sufficient guard is thus placed against the abuse of this extension of the stipulations in case of vacancy, the arrangement of it will, possibly, prevent much serious inconvenience, occasioned by an omission in the Treaty which could not have been intended.

If the Government of ..... shall view this matter in the same light in which it is here placed, you are authorised to sign a Declaration to the effect proposed, and you will give me notice of the same, that the necessary instructions may be given to His Majesty's Commissioners, respectively.

I am, &c.

(Signed) LONDONDERRY.

His Majesty's Ambassador at the Hague,
Chargé d'Affaires at Lisbon, and
Minister at Madrid.

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No. 2.

The Earl of Clancarty to The Marquess of Londonderry.—(Received March 14.)

MY LORD, *The Hague, March 5, 1822.*

I HAVE had the honour of receiving Your Lordship's Despatch of the 22d of February.

By this I am directed, in consequence of an alledged omission in the Treaty signed with this Court on the 4th May 1818, to suggest to them the expediency of rectifying the same by a Subsidiary Declaration, which I am thereby authorized to sign to the effect proposed.

Your Lordship will perceive from the inclosed copy of a Note, officially addressed by me to His Excellency The Baron de Nagell on the 2d instant, that I have lost no time in obeying your instructions in this respect.

I have the honour to be, &c.

(Signed) CLANCARTY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(Inclosure in No. 2.)

The Earl of Clancarty to The Baron de Nagell.

The Hague, March 2, 1822.

THE Undersigned, &c., has received instructions to call the attention of this Court to the following statement:

By reference to the Treaty for preventing Traffick in Slaves, signed between the two Crowns on the 4th May 1818, it appears that no provision is *specifically* made for supplying, temporarily, such *vacancies* as might occur in the Mixed Commissions from any other cause than that of death.

It is obvious, as has indeed already happened at Sierra Leone, that a Commissioner may, from illness, become unable to perform his functions, by which much, and possibly serious, inconvenience might be occasioned.

By the ninth Article of the Regulations for the Mixed Courts, annexed to and incorporated with the Treaty, "The Two High Contracting Parties have "agreed, that in the event of the death or *legal impeachment* of one or more "of the Judges or Arbitrators composing the above-mentioned Mixed Courts, "their Posts shall be supplied, *ad interim*, in the following manner:"—

Now, though the temporary absence, from duty, of one or more of the Commissioners, from sickness or from the permission of their respective Governments, regularly notified, would certainly fall directly within the meaning of *legal impeachment*, against which both Parties have already engaged themselves to provide, in the manner described in the remaining part of the said ninth Article, yet, as neither of these causes of absence have been specifically mentioned in the Treaty, and as some inconvenience has, and more may arise, from the omission,—the Undersigned has been directed to suggest to the Government of His Netherlands Majesty, the expediency of extending *specifically* to the cases of absence of the Commissioners from illness, or from the permission regularly notified of their respective Governments, those Provisions which, in expressed terms, apply to the temporary supply of vacancies occasioned by the *death* of one or more of the Commissioners.

By the provisions of the Treaty, the disadvantage, if any should arise, will

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always fall on the side of the Contracting Party who may delay or neglect to supply the vacancy;—inasmuch as the reciprocity, so desirable to maintain on this subject, will for the time be suspended, with reference to the equal participation of that Power, through it's Commissioners, in such adjudications as may occur within the period of such vacancy.

It seems, therefore, to be desirable that this matter should be specifically rectified, and, if The King of the Netherlands shall view this matter in the same light, the Undersigned has been authorized and instructed to sign on the part of his Court a Declaration to the effect proposed, with such Person as shall be equally authorized on the part of His Netherlands Majesty.

The Undersigned requests Monsieur le Baron de Nagell will have the goodness to lay this proposal before his Court, and to make known to him the decision that shall be taken thereon, and he avails himself, &c.

The Baron de Nagell, &c. &c. &c. (Signed) CLANCARTY.

No. 3.

G. W. Chad, Esq. to The Marquess of Londonderry.—(Received May 12.)

MY LORD, *The Hague, May 10, 1822.*

I HAVE the honour to transmit to Your Lordship copy of a Note from The Baron de Nagell, in which His Excellency desires that I will communicate to His Majesty's Government, and to The Earl of Clancarty, that he is now empowered to sign, conjointly with his Lordship, a Declaration in explanation of the 9th Article of the Regulations for the Mixed Courts, annexed to the Treaty of the 4th of May 1818, for the suppression of the Slave Trade.

I have, &c.

(Signed) G. W. CHAD.

The Marquess of Londonderry, K. G. &c. &c. &c.

(Inclosure in No. 3.)

The Baron de Nagell to G. W. Chad, Esq.

La Haye, le 7 Mai, 1822.

PAR son office du 2 Mars dernier, Son Excellence Le Comte de Clancarty, &c. a proposé, au nom de sa Cour, de pourvoir réciproquement par une disposition ultérieure aux Vacances temporaires éventuelles dans les Cours de Justice Mixtes, pour la répression de la Traite des Négres, et pour cet effet, à stipuler par une Declaration spéciale que l'Article 9 du Règlement, qui se rapporte au cas de décès et d'empêchement légal des Juges ou des Arbitres composant les Cours sus-mentionnées, est entendu s'étendre et être rendu applicable aux absences des Membres de ces Tribunaux occasionnées soit par maladie, congé temporaire, ou telle autre *cause légitime*.

D'après les motifs allégués à l'appui de cette proposition, Sa Majesté le Roi des Pays-Bas ne trouve aucune difficulté à y consentir, et le Soussigné a été autorisé à signer une Declaration, *ad hoc*, avec l'Ambassadeur de Sa Majesté

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Britannique, qui, d'après son office, a pareillement été qualifié par son Gouvernement à la signature d'un Acte qui règle définitivement cet objet.

Il prie M. Chad de faire part de cette disposition à sa Cour, et d'en prevenir également Son Excellence Le Comte de Clancarty, tandis qu'il saisit cette occasion, &c.

(Signé) A. W. C. DE NAGELL.

M. Chad,
&c. &c. &c.

(Inclosure in No. 3.)

(Translation.) *The Hague, May 7,* 1822.

BY his Note of the 2d of March last, His Excellency Lord Clancarty, &c. proposed, in the name of his Court, to provide reciprocally by an ulterior arrangement, for temporary vacancies in the Mixed Courts established for the repression of the Slave Trade, and for this object, to stipulate, by a special Declaration, that the 9th Article of the Regulations, which relates to the decease and legal inability of the Judges or Arbitrators composing the above-mentioned Courts, should be understood to extend and be rendered applicable, to the absence of the Members of those Tribunals, whether occasioned by sickness, temporary leave, or any other *legitimate cause.*

From the reasons alledged in support of this proposition, His Majesty The King of the Netherlands feels no difficulty in consenting thereto, and the Undersigned has been authorized to sign a Declaration, *ad hoc*, conjointly with the British Ambassador, who, according to his Note, has been likewise empowered by his Government to sign an Act for the difinitive regulation of this object.

He begs Mr. Chad to communicate the above to his Court, and likewise to acquaint Lord Clancarty therewith;

And he avails himself, &c.

(Signed) A. W. C. DE NAGELL.

G. W. Chad, Esq.
&c. &c. &c.

No. 4.

The Earl of Clanwilliam to G. W. Chad, Esq. (and to E. M. Ward, and Lionel Hervey, Esqrs.)

(Circular.) *Foreign Office, May* 14, 1822.

I AM directed by The Marquess of Londonderry to transmit for your information and guidance, a printed copy of certain Papers, relative to the Traffick in Slaves, which have lately been laid before both Houses of Parliament.

I am, &c.

(Signed) CLANWILLIAM.

His Majesty's Ministers at the Hague and Madrid, and Chargé d'Affaires at Lisbon.

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No. 5.

The Marquess of Londonderry to G. W. Chad, Esq. (and to Lionel Hervey, and E. M. Ward, Esqrs.)

(Circular.) *Foreign Office, May* 17, 1822.

I FURNISH you, herewith, with a copy of a Letter, dated the 2d of April 1822, from the Secretary to the Admiralty to one of the Under-Secretaries for this Department, by which you will perceive that there will be in future only *two* Signatures of the Lords Commissioners of the Admiralty to the Instructions issued, in conformity to the Treaties, for preventing the illicit Traffick in Slaves.

I have to desire that you will make a communication of this fact to the Government to which you are accredited.

I am, &c.

(Signed) LONDONDERRY.

His Majesty's Ministers at the Hague and Madrid, and Chargé d'Affaires at Lisbon.

No. 6.

The Marquess of Londonderry to G. W. Chad, Esq.

SIR, *Foreign Office, June* 11, 1822.

IN reference to the third Article of the Treaty with the Netherlands for the prevention of the Slave Trade, I am to desire that you will make known to the Netherlands Government, that the Instructions therein alluded to have been issued to the following vessels of His Majesty's Navy, viz:—

The *Bann*,... twenty guns, C. Phillips, ... Commander.
... *Cyrene*,.. twenty guns, Percy Grace,..... Commander.
... *Driver*,.. eighteen guns, Thomas Woolridge, Commander.

And that the Dutch Instructions issued to the Pheasant, Myrmidon, and Morgiana, will be recalled and cancelled.

I am, &c.

G. W. Chad, Esq. &c. &c. (Signed) LONDONDERRY.

No. 7.

The Marquess of Londonderry to G. W. Chad, Esq.

(Extract.) *Foreign Office, July* 29, 1822.

I TRANSMIT to you the copy of a Despatch, dated the 1st of May last, and of its Inclosures, which I have received from His Majesty's Commissary Judge at Surinam, complaining of the continued indifference and supineness of the Dutch Authorities, both Civil and Military, at that Colony, in co-operating with the British Commissioners to carry into execution the stipulations of the Treaty of the 4th of May 1818, for the abolition of the Traffick in Slaves.

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It appears that no Process, with respect to the forms of proceeding of the Mixed Court, has hitherto been adopted or agreed to by the Dutch Commissioners; that the Dutch ships of war, furnished with the instructions under the Treaty, permit Slave-vessels to land their cargoes even within sight of their anchorage; and it further appears, from Mr. Lefroy's Despatch, that no Successor has, as yet, been named in the Place of the late Dutch Commissary Judge, Mr. Chagnion.

I have received His Majesty's commands, therefore, to desire you will lose no time in stating these circumstances to the Dutch Ministers, and that you will again urge them, in the strongest manner, to cause immediate and effectual instructions to be sent to the Dutch Authorities at Surinam; not only for the adoption of the forms of practice with regard to the proceedings of the Mixed Courts, furnished to the British Commissioners, which were founded upon general principles of Law, and which have been agreed to and acted upon by the Commissioners of Spain and Portugal, but that every assistance should be given by the Governor and Military Officers for the most effectual execution of the stipulations of the Treaty.

His Majesty sees with pain and regret that this indifference and neglect of the conditions of the Treaty on the part of the Dutch Authorities, is likely to lead to the extension of the abominable traffick in human flesh, and He relies with confidence, on the principles of justice and humanity which actuate The King of the Netherlands, that, so soon as His Majesty shall be made acquainted with these circumstances, His Majesty will direct measures to be taken for causing the Orders He has already given to be obeyed, and that He will no longer suffer His Subjects to violate the conditions of the Treaty which He has solemnly entered into with this Government for the abolition of this detestable traffick.

(Signed) LONDONDERRY.

G. W. Chad, Esq.
&c. &c. &c.

No. 8.

G. W. Chad, Esq. to The Marquess of Londonderry.—(Received August 9.)

MY LORD, *The Hague, August 6, 1822.*

IN obedience to the instructions contained in Your Lordship's Despatch of the 29th ultimo, I addressed a Note to The Baron de Nagell, of which I have the honour herewith to transmit a copy.

I have, &c.

The Marquess of Londonderry, K. G. (Signed) G. W. CHAD.
&c. &c. &c.

(*Inclosure in No. 8.*)

G. W. Chad, Esq. to The Baron de Nagell.

The Hague, August 4, 1822.

IT is with great regret that the Undersigned, &c. is compelled, in obedience to the orders of his Court, to call the attention of the Government of the Netherlands to a subject which has already been the cause of many painful representations.—Confident hopes were entertained that the instructions issued to the Dutch Colonial Magistrates would have prevented any further evasions of the Treaty of May 4th 1818.

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These hopes, however, have proved unfounded. The British Commissary Judge at Surinam has reported to his Government, various instances in which the late Governor of that Colony, and his Successor, have refused their assistance for the attainment of the humane object of that Treaty, and the Documents in support of this statement exhibit sufficient proof of the justness of the complaint.

It appears that the Commissary Judge deemed it expedient to offer a reward for such information as should lead to the detection of British subjects engaged in the Slave Trade. The late Governor, Mr. Vaillant, and his Successor Mr. de Veer, refused to permit this advertisement to appear in the newspapers, and thus prevented it's publication.

A similar prohibition was extended to a Despatch of Baron Portal of the 17th July 1821, to which it was essential to the interests of the Abolition that Publicity should be given.

'The correspondence which has taken place between the Commissary Judge and the Governor, far from betraying any marks of irritation, affords proof that a general good understanding existed between these Persons.

'The conduct of the Governor, therefore, cannot be ascribed to personal hostility,—it can only be attributed to a desire to evade the object of the Treaty.—This disposition seems not confined to the operations of the interior of the Colony:

The *Thetis*, brig of war, belonging to Surinam, has permitted vessels laden with Slaves to approach the mouths of the rivers without opposition; nay, the *Comet*, frigate, and the *Swallow*, brig, both commissioned under the Treaty for the prevention of the Slave Trade, have betrayed equal supineness.

The Naval Commanders may, however, be free from reproach, for it appears by the Baron de Nagell's Note of the 9th November 1820, that in the Dutch Colonies these Officers are subject to the Colonial Authorities.

The Undersigned is further directed to represent to the Netherland Government, that, notwithstanding the repeated remonstrances of the Commissary Judge, and of his late Colleague, the Mixed Court is still at this moment without any Process by which it can act.

The English forms of practice which, in obedience to the instructions of the Marquess of Londonderry, were recommended for adoption, have been rejected, and a Note of the 17th April last from the Governor, Mr. Vaillant, shews that, up to that date, nothing had been done towards the substitution of any other.

Lastly, no Successor has as yet been appointed in the place of the late Dutch Commissary Judge, M. Chagnion, who died in November 1820.

The Undersigned has received the commands of The King, his Master, to state these circumstances, without loss of time, to the Court of the Netherlands, and to urge the Netherlands Government, in the strongest manner, to direct that those Forms of practice which have been accepted and are used by the Commissioners of Spain and Portugal, be adopted in the Mixed Court at Surinam, and that cordial assistance be given by the Civil and Military Authorities for the complete execution of the Treaty.

His Majesty sees with pain and regret that the indifference of the Dutch Colonial Authorities, their neglect of the stipulations of that Treaty, and their disregard of the Orders already given by the Netherlands Government, will tend to perpetuate and extend the abominable Traffick in Slaves.

His Majesty relies, however, with confidence on the justice and humanity of The King of the Netherlands,—is convinced of the sincerity of His wishes for the extinction of this detestable trade,—and trusts that He will no longer suffer the execution of His own Commands, and the conditions of a solemn Treaty, to be evaded with impunity.

The Undersigned, &c.

(Signed) G. W. CHAD.

The Baron de Nagell,
&c. &c. &c.

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No. 9.

Joseph Planta, jun. Esq. to G. W. Chad, Esq.

Foreign Office, August 21, 1822.

MR. PLANTA presents his compliments to Mr. Chad, and, in reference to Lord Londonderry's Despatch of the 29th of July last, is directed to acquaint him that, by a Despatch just received from His Majesty's Commissary Judge at Surinam, under date of the 4th of June last, it appears that Mr. Lammens has been appointed Commissary Judge of the Mixed Court at Surinam by The King of the Netherlands, and that Mr. Lammens has since duly taken the Oath prescribed by the Treaty of the 4th of May 1818, for such appointment.

No. 10.

Earl Bathurst to G. W. Chad, Esq. (and to Sir Charles Stuart, and Stratford Canning, Lionel Hervey, and E. M. Ward, Esqrs.)

(Circular.) *Foreign Office, September 6,* 1822.

AN humble Address having been presented by the House of Commons to His Majesty, pursuant to a Resolution of the House, dated the 27th of June last, upon the subject of the Traffick in Slaves, in which Address allusion is made, particularly, to the existing State of the Negociations between this Country and Foreign Powers, upon this important and interesting matter; I have the honour to forward to you herewith a copy of the Address for your information; and I have to direct your especial attention to the purport of it, in any communication which you may have with the Ministers of the Court at which you reside, upon the subject of the Traffick in Slaves.

I am, &c.

His Majesty's Ministers at The Hague, Washington, and Madrid, Ambassador at Paris, and Chargé d'Affaires at Lisbon. (Signed BATHURST.

No. 11.

Mr. Secretary Canning to The Earl of Clancarty, (and to E. M. Ward, and Lionel Hervey, Esqrs.)

(Circular.) *Foreign Office, September* 30, 1822.

REFERRING you to the Circular Despatch of His Majesty's Secretary of State for Foreign Affairs, of the 22d of September 1820, upon the subject of that part of the Treaty (Convention) between Great Britain and ..... for preventing illegal Traffick in Slaves, which enacts, that ships of war may detain and bring in vessels suspected of illegal traffick, in the event only of their actually finding Slaves on board, and in reference also to the acquiescence of the ..... Government, as signified by you, in the proposition which, by the Despatch above-mentioned, His Majesty's Ministers were instructed to make upon this Point;

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I am now to send to you by The King's command the *Projet* of an Article, drawn up in strict conformity with the proposition then made, with a view of ensuring the true object of the Treaty (Convention) as concluded at that time; and I have to instruct you to lose no time in seeing the .... Minister, and urging him to take the orders of The King, his Master, with respect to signing an Article to the effect of the Draft accompanying this Despatch.

Full Powers for the purpose required will be transmitted to you without delay; and The King doubts not that His ..... Majesty will promptly issue the necessary authority to His Ministers to sign the Article in question, with the view of giving full effect to the assurances which His ..... Majesty has already conveyed to The King upon this subject.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Ambassador at the Hague,
Envoy at Madrid, and
Chargé d'Affaires at Lisbon.

(*Inclosure in No.* 11.)

Projet of an Explanatory Article to the Treaty (Convention) between His Majesty and The King of....., concluded and signed at .. .. on the..... day of..... 181 .

ARTICLE I.

WHEREAS it is stated, in Article I. of "Instructions intended for the "British and ..... ships of war employed to prevent the illicit "Traffick in Slaves," that ships, on board of which no Slaves shall be found intended for purposes of traffick, shall not be detained on any account or pretence whatever; and whereas it has been found by experience that vessels employed in the illegal traffick, have put their Slaves momentarily on shore, immediately prior to their being visited by ships of war, and that such vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity; contrary to the true object and spirit of the Treaty, (Convention) above-mentioned.

The High Contracting Parties, therefore, feel it necessary to declare, and it is hereby declared by Them, that, if there shall be clear and undeniable proof, that a Slave or Slaves have been put on board a vessel for the purpose of illegal traffick, in the particular voyage on which the vessel shall be captured, then, and on that account, according to the true intent and meaning of the stipulations of the Treaty, (Convention) such vessel is to be detained by the cruizers, and finally condemned by the Commissioners.

This Explanatory Article shall have the same force and effect, as if it were inserted word for word in the said Treaty, (Convention) and shall be held to form part of the same.

In witness whereof the Undersigned, furnished with Full Powers to that effect from their respective Sovereigns, have hereunto signed their names and affixed their Seals.

Done at.. ..... the..... day of..... 1822.

(Signed) (Signed)

(L. S.) (L. S.)

No. 12.

Mr. Secretary Canning to The Earl of Clancarty (and to E. M. Ward, and Lionel Hervey, Esqrs.)

(Circular.) *Foreign Office September* 30, 1822.

REFERRING you to the Circular Despatch of His Majesty's Secretary of

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State for Foreign Affairs, under date of the 22d of February 1822, in which it was proposed that the Regulations for supplying the case of the death of one or more of the Commissioners under the Treaty (Convention) for preventing illegal Traffick in Slaves, should be extended to the case of the absence of the said Commissioners, on account of illness, or any other unavoidable cause;

I have to send to you the *Projét* of an Article to the effect stated; and I am to convey to you The King's commands, that you propose to the ..... Minister, to take without delay the directions of His Sovereign, for the conclusion and signature of the Article in question.

Full Powers for this purpose will be transmitted to you without delay.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Ambassador at The Hague,
Minister at Madrid, and
Chargé d'Affaires at Lisbon.

(Inclosure in No. 12.)

Project *of an Additional Article to the Treaty (Convention) between His Majesty and the King of .....for the prevention of the illegal Traffick in Slaves, signed at ..... on the..... day of.....* 181 .

THE High Contracting Parties hereby agree that, in the event of the absence, on account of illness, or of any other unavoidable cause, of one or more of the Commissioners, Judges and Arbitrators, under the above-mentioned Treaty, (Convention) or in the case of their absence in consequence of leave from their Government, duly notified to the Board of Commission, sitting under the said Treaty, (Convention) their Posts shall be supplied in the same manner in which, by the Article.... of the "Regulations for the Mixed Commissions," those vacancies in the Commission are to be supplied, which may occur by the death of one or more of the Commissioners aforesaid.

This Article shall have the same force and effect as if it had been inserted word for word in the above-mentioned Treaty, (Convention) and shall be held to form part of the same.

In witness whereof, the undersigned, duly furnished with Full Powers from their respective Sovereigns, have signed the present additional Article, and have affixed thereunto the Seal of their Arms.

(Signed) (L. S.) (Signed) (L. S.)

No. 13.

Mr. Secretary Canning to The Earl of Clancarty.

My Lord, *Foreign Office, October 4, 1822.*

YOUR Excellency is authorised by my Despatch of 30th September to proceed to the signature of an Article, extending to vessels which shall be proved to *have had* Slaves on board, the penalties of capture and condemnation, hitherto applicable to those only, on board of which Slaves should be actually found at the moment of visiting them.

As this extension has been already agreed to by the Government of His Netherlands Majesty, I have not thought it advisable to risk the retraction of their consent, by opening a new proposition, until the signature of the Article prepared for giving effect to it shall have been obtained. But as soon as that object is accomplished, Your Excellency will, in discoursing with the Netherlands Minister upon the effects of the Article, and the mode of carrying it into execution, observe that, in the absence of other evidence, the fitting-up of a vessel evidently for the purposes of the Slave Trade, must be held to shew so plainly the intention of her voyage, as to be received in proof of the fact against the interested testimony of the Navigators.

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It is indeed quite impossible to imagine any pretext for those arrangements on board a ship, which are calculated for the reception of a living cargo, except the purpose for which they are really destined; and it would be quite mockery to pretend that the purpose so manifested differs in any degree, in guilt, from the total or partial execution of it,—however, under the Convention, as it originally stood, the actual presence of the miserable victims was held to be necessary to substantiate the charge of trading in them. If there be (as the admission of the extended Article gives His Majesty reason to hope) a sincere desire on the part of the Netherlands Government to execute this Engagement fairly, there cannot be a hesitation on the part of the Minister appointed to sign this Article with Your Excellency, to admit, and, if thought necessary, to record, the supplemental Provision, that the fitting up of the ship (which may be described in as precise terms as the Netherlands Minister requires) shall be held to be *primâ facie* evidence of the nature of the cargo. The burthen of the proof to the contrary must rest with the Captain of the vessel, who will have to shew, to the satisfaction of the Captors, to what other purpose such fitting-up can be applicable. I inclose a draft of a *Proviso*, which may be added to the clause, and which Your Excellency's Full Power, will equally enable you to sign.—If the Netherlands Minister should prefer its being added to the Treaty in the distinct shape of a separate Article, Your Excellency is equally authorized to sign it in that form; or if any suggestions are offered, for avoiding the possibility of error, as to the illegal purpose of a voyage, you will profess your readiness to refer them for the consideration of your Government, in the confidence that the real and *bonâ fide* intention of the Netherlands Government is to give validity and effect to the prevention of illicit Slave Trade.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency The Earl of Clancarty, G.C.B.
&c. &c. &c.

(*Inclosure in No.* 13.)

Draft of Proviso.

IT being well understood, that, in the absence of oral or documentary evidence, the fitting-up of the vessel with..... *(Here insert the description,)* shall be considered as *primâ facie* proof of the nature of the cargo, and shall render the said vessel liable to capture and condemnation.

Note.—A Despatch inclosing a Draft of this Proviso, was also addressed on the same day to E. M. Ward, and Lionel Hervey, Esqrs.

No. 14.

Mr. Secretary Canning to The Earl of Clancarty (and to E. M. Ward, and Lionel Hervey, Esqrs.)

(Circular.) *Foreign Office, November* 1, 1822.

IN reference to my Despatch of the 4th of October, I furnish you with a Memorandum respecting the *fitting-up* of a vessel intended for trading in Slaves. You will insert the substance of this Paper in the *Proviso* inclosed in my Despatch above-mentioned.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Ambassador at the Hague,
Minister at Madrid, and
Chargé d'Affaires at Lisbon.

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(Inclosure in No. 14.)

MEMORANDUM respecting the fitting-up of Slave-Vessels.

ANY vessel, subject to examination under the Treaties, being found hovering or sailing near to the West Coast of Africa, between the 20th degree of North Latitude and the Equator, or at anchor in any of the rivers or bays of the said Coast, having on board an unreasonable quantity of water in casks or tanks, more than necessary for the consumption of her crew as a Merchant-vessel; or any such vessel having on board an unreasonable number of water-casks, or other vessels for holding water, unless the Commander produce a Certificate from the Custom-House of the Place from which he cleared outwards, stating that a sufficient bond had been given by the Owners of such vessel to guarantee that such extra quantity of casks should only be used for the reception of palm-oil; or any such vessel having on board a greater quantity of mess-tubs or kids than necessary for her crew as a Merchant-vessel; or any such vessel having on board two copper boilers, a small one for her crew, and a larger one, or one of *much* larger size than requisite for the use of her crew as a Merchant-vessel; or any such vessel having on board a quantity of rice or farinha (flour of the manioc of Brazil, or of the Cassada) or maize, or Indian corn, beyond any probable necessary provision for the crew, and such flour or maize not being entered on the Manifest as part of the cargo for trade;

Or any such vessel having on board a number of bolts, shackles, or handcuffs; or any such vessel having on board spare plank in the hold, fit for readily laying a second or moveable Slave-deck, or having more divisions or bulk-heads in the hold or on deck than necessary for trading-vessels; or any such vessel having her hatches fitted as open gratings, instead of being close hatches, as usual in Merchant-vessels, (this last being one of the surest marks of the intention to receive Slaves);—every such vessel is to be detained and sent into port for adjudication, and shall be convicted as a vessel employed in the unlawful Traffick of Slaves, unless the Master can adduce sufficient proof of the legality of his pursuits, to clearly and satisfactorily do away the impression excited by such of the foregoing causes of suspicion as apply to him.

No. 15.

The Earl of Clancarty to Mr. Secretary Canning.—(Received November 8.)

(Extract.) *Brussells, November 5, 1822.*

ALTHOUGH I left the Hague on Tuesday last, with the view of immediately embarking on board the Royal Yacht at Rotterdam for the removal of my family to Brussells, yet such was the adverse state of the winds, that we were unable to reach this Residence till yesterday morning, and the baggage-boats with the archives of this Mission are not yet come up.

On arriving here I found the Note, of which the inclosed is a copy.

This I transmit without comment; because I am still unacquainted, otherwise than by the Note itself, of the particular details of the complaints to which it professes to be an answer, and must so remain till the arrival of the Papers of this Embassy shall enable me to refer to the whole Correspondence.

M. le Baron de Nagell called upon me, and asked me whether I had received his Note. I told him I had, but that, uninformed of the particulars

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till the Records of the Embassy should arrive, I could pronounce no opinion whether the matters therein stated would prove satisfactory to my Court:—Of this I could, however, take it upon me to assure him, without fear of disavowal, that the last paragraph of his Note would afford sincere pleasure to The King my Master, confirming as it did in the most official form, the assurance given to me, through the Minister of the Colonies, immediately prior to my departure from the Hague in March last, of the strenuous and zealous co-operation of this Court with that of London, for the effectual execution of the Treaty of the 4th of May 1818.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

(*Inclosure in No.* 15.)

The Baron de Nagell to The Earl of Clancarty.

Bruxelles, le 28 *Octobre,* 1822.

LA Note du 4 Août, rémise au Soussigné par M. le Ministre Plénipotentiaire de Sa Majesté Britannique, contenant des réprésentations sur la manière évasive dont le Traité du 4 Mai 1818, serait exécuté dans la Colonie de Surinam, a fixé particulièrement l'attention du Roi, et provoqué desuite les informations les plus approfondies. Il résulte de cette enquête que les éclaircissemens à donner aux rémonstrances de M. le Commissaire Britannique à Surinam, sont de nature à tranquilliser pleinement le Gouvernement de Sa Majesté Britannique.

La première plainte de M. le Commissaire Britannique à Surinam, porte sur le refus du ci-devant Gouverneur de cette Colonie, M. Vaillant, et de son Successeur, de faire inserer dans les papiers publics l'avertissement, ou promesse de récompense, que ce Juge voulait y faire mettre pour encourager les dénonciations des sujets Anglais engagés dans le Trafic des Esclaves.

Il ne sera pas difficile de justifier la legitimité de ce refus. Partout ces sortes d'encouragement sont du ressort de l'accusateur public. Cette seule considération aurait dû détourner un Juge d'une démarche pareille.

L'intention de borner les enquêtes uniquement à la conduite des sujets Anglais, pouvait faire croire à l'intention de s'attribuer sur ses compatriotes une sorte de jurisdiction incompatible avec ses fonctions.

Les sujets Anglais, durant leur séjour sur le territoire des Pays-Bas, ne sont responsables et justiciables du fait de leurs transgressions des Lois et Ordonnances du Royaume, que devant les Tribunaux établis sur ce Territoire. Les Tribunaux Mixtes, établis par exception, ne sauraient prendre connaissance que de la saisie des navires, suspects du trafic prohibé des Esclaves. Si M. Le Commissaire Britannique eut pu, à l'aide de l'avertissement dont il s'agit, se procurer des preuves contre un de ses compatriotes établis à Surinam, il n'aurait pu en faire d'autre usage, que de provoquer par le Ministère public la poursuite et le jugement de l'affaire devant la Cour de Police et de Justice Criminelle de la Colonie. Mais alors les Magistrats et les Tribunaux se trouveraient soumis à une surveillance et à une intervention étrangère pour le maintien des Lois de l'Etat, et de cette manière un étranger, soit particulier, soit revetû de quelque qualité, pourrait se permettre dans un état de provoquer la délation contre ses compatriotes, et de tendre, malgré elles, aux Autorités du Pays un main sécourable pour l'accomplissement des devoirs de leur charge.

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Les principes de la Souveraineté Territoriale sont les mêmes partout, soit dans la mère-patrie, soit dans les Colonies; et, conséquemment, on ne saurait faire un sujet de reproche aux Autorités Coloniales du Royaume, lorsqu'elles ont décliné poliment une intervention étrangère qui leur paraissait une tentative de s'immiscer dans leurs fonctions.

Un second chef de plainte, qui a beaucoup de rapport avec le précédent, est un refus du même genre, concernant la publication d'une Circulaire française, dont le même Juge Commissaire Anglais aurait volontiers vu l'insertion dans les Gazettes de Surinam.

Il n'est pas aisé de concevoir, en lisant cette pièce, qui a été transmise au Département des Colonies, comment la publication d'une dépêche d'un Ministre Etranger, conçues en termes aussi vagues, aurait pû être réellement de quelque importance.

Le ci-devant Gouverneur *Vaillant*, en porta un jugement tout différent.

Il l'a jugé si insignificante qu'il ne crut pas devoir adopter l'idée du Juge Commissaire Anglais; qui, au reste, n'avait pas obtenu la connaissance de cette pièce par ses propres relations à là *Cayenne*, mais par une communication obligeante du ci-devant Gouverneur, *Vaillant*, même.

Cette circonstance implique, à ce qu'il parait, que la bonne intelligence regnait entre M. le Commissaire Anglais, et le ci-devant Gouverneur, *Vaillant*, et fait regretter l'insinuation, qu'il aurait eu le désir d'éluder l'exécution du Traité du 4 Mai 1818.

Une troisième plainte parait d'une nature plus grave. On prétend que des batimens Négriers, se sont approchés et arrêtés dans le voisinage de la Colonie, au point que la *Comète*, *l'Hirondelle*, ou la corvette Coloniale *Thétis*, auraient pu s'en emparer conformément au Traité.

Les informations transmises au Département des Colonies font révoquer en doute l'exactitude de cette assertion; et il suffira de se fixer aux dates pour disculper les Commandans de ces vaisseaux.

L'arrêté du Roi du 16 Avril 1821, qui interdit l'abord des Négriers français à la Colonie de Surinam, n'y a pu être mis à exécution qu'au mois de Juillet suivant. Or, précisément à cette époque le Gouverneur avait expédié la *Thétis* pour les Pays-Bas; le 28 de ce même mois elle était arrivée au Texel, et depuis elle a été vendue. Le nom de la *Thétis* rappelle le souvenir, que ce batiment était un Négrier Espagnol, nommé *Valverde*, poursuivi et capturé dans les eaux de Surinam.

La *Comète* avait dès le mois de Fevrier ou Mars 1821, cessé d'appartenir à la station des Indes Occidentales.

La nomination du Sieur *A. F. Lammens*, comme Juge pour les Pays-Bas près la Cour Mixte à Surinam, fait tomber une quatrième plainte, non seulement qu'on a reçu la nouvelle de son installation, mais le Sieur *Lammens* en répenant la tâche que le Sieur *Chagnion*, son Prédécesseur, avait laissée incomplette, a déjà rédigé un mode de procédure qui forme actuellement le sujet d'une correspondance entre les Départemens de la Justice et des Colonies, et sur lequel le Roi sera en état de prendre dans peu une décision.

Après avoir repondu en détail aux plaintes de M. le Ministre Plénipotentiaire de Sa Majesté Britannique, il reste au Soussigné une tâche à remplir qui lui est infiniment agréable, celle de lui faire observer que les intentions de Son Auguste Maître repondent parfaitement à celles de Sa Majesté le Roi de la Grande Bretagne, que l'exécution du Traité du 4 Mai 1818, est constamment l'objet de ses soins, et que les Autorités Coloniales, connaissant la volonté précise de leur Souverain, ne sauraient se relâcher des devoirs qu'ils ont à remplir.

Le Soussigné saisit, &c.

(Signé) A. W. C. DE NAGELL.

Son Excellence M. de Comte de Clancarty,
&c. &c. &c.

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(Inclosure in No. 15.)

The Baron de Nagell to The Earl of Clancarty.

(Translation.) *Brussells, October* 28, 1822.

THE Note transmitted to the Undersigned on the 4th of August, by His Britannick Majesty's Minister Plenipotentiary, containing remonstrances as to the evasive manner in which the Treaty of the 4th of May 1818, was executed in the Colony of Surinam, has engaged the particular attention of The King, and consequently occasioned the most thorough investigation. The result of this inquiry has been to afford such explanations to the remonstrances of the British Commissioner at Surinam, as fully to satisfy the Government of His Britannick Majesty.

The first complaint of the British Commissioner at Surinam, is directed against the refusal of the former Governor of that Colony, *Mr. Vaillant*, and of his Successor, to order the insertion in the publick papers of an advertisement, or promise of reward, which this Judge was desirous of having published, encouraging denunciations against British subjects engaged in the Slave Trade.

It is not difficult to prove the right of that refusal. This sort of encouragement always emanates from the publick accuser; this consideration alone, ought to make a Judge avoid such a measure.

The intention of confining the inquiries to the conduct only of British subjects, would give rise to a supposition that he wished to assume a kind of jurisdiction over his countrymen, incompatible with his duties.

British subjects, during their residence in the Netherlands, are only responsible and amenable, for their transgressions against the Laws and Ordinances of the Kingdom, before the Tribunals established in that Country. The Mixed Tribunals, established for particular cases, can only take cognizance of the seizure of vessels suspected of carrying on the illicit Trade in Slaves. If the British Commissioner could, by means of the advertisement in question, adduce proofs against one of his countrymen settled at Surinam, it could have had no other effect than to have had the matter tried and adjudged before the criminal Court of Justice and Police of the Colony, through the means of the publick Agent. But in this case the Magistrates and the Tribunals would become subjected, in the execution of the Laws of the Country, to foreign *surveillance* and interference; and thus a foreigner, either in a private station, or invested with some official character, would be enabled, in any State, to procure an accusation against his countrymen, and to stretch out to the Authorities of the Country, in spite of themselves, a helping hand for the performance of the duties of their office.

The principles of Territorial Sovereignty are the same every where, both in the mother Country and in the Colonies, and consequently the Colonial Authorities of the Kingdom cannot be blamed, because they have politely declined a foreign interference, which appeared to them like an attempt to intermeddle with their functions.

A second subject of complaint, which is nearly connected with the preceding, is a refusal of the same nature, respecting the publication of a French Circular, which the same English Commissary Judge was desirous should be inserted in the Surinam newspapers.

It is not easy to conceive, on reading this statement, which has been transmitted to the Colonial Department, how any importance could in reality belong to the publication of the Despatch of a foreign Minister, couched in such vague terms.

The previous Governor, *Vaillant*, came to a very different decision. He declared it of so little consequence, that he did not think it worth while adopting the opinion of the British Commissary Judge; who, in fact, had

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received no account of this affair from his own Correspondents at *Cayenne*, but through the obliging communication of the previous Governor, *Vaillant*.

This circumstance, as it appears, implies that a good understanding subsisted between the British Commissioner and the previous Governor, *Vaillant*, and gives one reason to regret the imputation, that he wished to avoid the execution of the Treaty of the 4th May 1818.

The third complaint seems to be of a more serious cast. It is stated that some Slave-vessels have approached and anchored in the roads of the Colony, at a Place where the *Comet*, the *Swallow* and the Colonial corvette *Thetis*, might have captured them according to the terms of the Treaty.

The information transmitted to the Colonial Department leaves a doubt as to the correctness of this statement, and it is only necessary to refer to dates to exculpate the Commanders of these vessels.

The King's Decree of the 16th of April 1821, prohibiting French Slave-ships from approaching the Colony of Surinam, could not be carried into effect before the month of July following; and, at that precise time, the Governor had ordered the *Thetis* to the Netherlands. On the 28th of that month she arrived in the Texel, and she has since been sold. The name *Thetis* brings to one's recollection that this vessel was a Spanish Slave-ship, named *Valverde*, chased and captured in the Roads of Surinam.

The *Comet*, since the month of February or March 1821, had ceased to belong to the West India station.

The appointment of the Sieur *A. F. Lammens* as the Judge for the Mixed Commission at Surinam, on the part of the Netherlands, puts an end to the fourth complaint. Not only has advice been received of M. de Lammens having entered on the business of his office, but in undertaking the duties which the Sieur Chagnion, his Predecessor, had left unfinished; he had already digested a Mode of Procedure which at present forms the subject of a correspondence between the Departments of Justice and of Colonies,—and upon which The King will shortly be enabled to decide.

Having given a detailed answer to the complaints of the Minister Plenipotentiary of His Britannick Majesty, it only remains for the Undersigned to discharge the infinitely agreeable duty of observing to him, that the wishes of His August Master are entirely conformable to those of His Majesty The King of Great Britain, for the execution of the Treaty of the 4th of May 1818, which is the constant object of His solicitude,—and that the Authorities of the Colony, well knowing the precise intentions of their Sovereign, cannot deviate from the line of duty which is prescribed to them.

The Undersigned avails himself, &c.

(Signed) A. W. C. DE NAGELL.

His Excellency The Earl of Clancarty,
&c. &c. &c.

No. 16.

The Earl of Clancarty to Mr. Secretary Canning.—(Received November 11.)

(Extract.) *Brussells, November* 8, 1822.

I HAVE waited on M. le Baron de Nagell, and, endeavouring to remind him of our former conversations in 1820, have urged him to apply immediately to The King for the requisite authority to sign an *additional Article*, according to the instruction I have received from you, dated the 30th September.

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He told me that after such a lapse of time he could scarcely be expected to remember what had passed at the period referred to; stated he would refer to the communication he had then made to The King, and expressed his readiness to re-urge His Majesty upon the subject; and recommended me to address a Note to him, containing in detail the evil to be guarded against, as requiring remedy by the signature of an additional Article, and that he would lose no time in laying the same before The King.

I have therefore this morning addressed to His Excellency a Note, of which I have now the honour to inclose a copy, and which I hope will meet with your approbation.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

(Inclosure in No. 16.)

The Earl of Clancarty to The Baron de Nagell.

Brussells, November 8, 1822.

THE Undersigned, &c. has the honour to recall to the recollection of M. le Baron de Nagell, the subject of two conferences held with His Excellency so far back as the 12th and 13th October 1820.

In obedience to the instructions he had then recently received, the Undersigned endeavoured to press upon this Government the necessity of a joint explanatory Declaration, or additional Article, to the Treaty of the 4th of May 1818, and the issue of instructions thereon, in opposition to a gross fraud, by which it was attempted, by the Slave-traders upon the Coast of Africa, in setting up the precise letter, to defeat the obvious meaning and spirit of the said Treaty.

By the fifth Article, no British or Netherlands cruizer is permitted to detain any ship whatever, not having Slaves *actually* on board.

The case upon which the Undersigned was then instructed to apply, was that of a vessel actually concerned in the traffick, and which had already received one Slave on board at the time she was found and perceived by the ship of war pursuing her. She, however, in this extremity, contrived to get the Slave into a boat alongside, before the ship of war boarded her: at this moment, and before the boat could reach the shore, the vessel, the boat, and the Slave, were detained and brought into Sierra Leone.

The circumstances above-mentioned being proved, a difference of opinion took place between the Members of the Commission before whom the cause was brought, whether the capture was legal or not, according to the terms of the Treaty above recited. The matter was then referred by lot to one of the Arbitrators appointed in such cases; and the Arbitrator on whom the lot fell, adjudged that the vessel was illegally detained, ordered her liberation, and subjected the Capturing Party to the costs of detention.

The Undersigned was expressly informed by his instruction, that no imputation was intended to be thrown upon the Arbitrator for this decision; neither was it wished to invalidate it, in the instance above detailed: but it being evident that the decision was in opposition to the design of the Treaty, he was instructed to press the matter upon the early attention of The King of the Netherlands, and to urge His Majesty to enter into a joint Declaration, or additional Article, to prevent the effect of a precedent of the nature established by the decision, by which a gross fraud against the spirit of the Treaty

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was set up, as founded upon its precise letter, to the manifest defeat of the objects contemplated by the High Contracting Parties.

The Undersigned, in the said conferences had the honour of urging to His Excellency, that this would be the obvious consequence on the African Coast, of leaving the matter without any counteracting measure upon the decision of the Arbitrator already cited: because the vessels there concerned in the Slave Trade keep close along shore, and land or lower into boats, or even force to swim ashore the Slaves whom they have illegally taken on board, upon the appearance of the capturing ship; by which means, under this decision, the real object of the Treaty is effectually evaded.

M. le Baron de Nagell appeared at the time to be impressed with the reasonableness of the proposal, and with the necessity of adopting some immediate counteracting measure, undertaking at the first of these conferences, and giving the Undersigned to understand at the second, that he had actually laid the matter before The King, his Master, for His Majesty's decision thereon. No further answer appears to have been thenceforward made: various circumstances subsequently occurred, which sufficiently account for this silence.

The Undersigned has, however, now received pressing instructions to renew this subject without loss of time, and to propose that the evil should be met by an additional Article to the Treaty of 4th May 1818; and to urge M. le Baron de Nagell to take the orders of The King, his Master, with a view to the early issue by His Majesty's Government of the necessary authority to His Minister, to sign such Article as shall be mutually agreed upon, for the purpose of giving full effect to the real object and spirit of the original Treaty.

The Undersigned cannot omit this, the first opportunity of thanking M. le Baron de Nagell for the concluding paragraph of his Note of the 28th ult., addressed to Mr. Chad, the confirmatory assurance conveyed in which he is convinced will afford sincere pleasure to the Government of The King, his Master.

He avails himself, &c.

(Signed) CLANCARTY.

His Excellency The Baron de Nagell,
&c. &c. &c.

No. 17.

The Earl of Clancarty to Mr. Secretary Canning.—(Received November 15.)

(Extract.) *Brussells, November* 12, 1822.

I HAD the honour yesterday morning of receiving your Despatch of the 1st instant, with its Inclosure, specifically describing the manner of fitting up a vessel so as to indicate her being intended for Slave Traffick.

This description completes the instruction conveyed by your Despatch of the 4th ultimo, under which it will be my duty to endeavour to obtain the consent of this Government to the signature of a Proviso, or additional Article, rendering vessels falling within the description referred to (if possible to be obtained), subject to condemnation, unless those interested in them shall be enabled, by positive proof, to rebut the inference arising from such *primâ facie* evidence.

(Signed) CLANCARTY.

The Right Hon George Canning,
&c. &c. &c.

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No. 18.

The Earl of Clancarty to Mr. Secretary Canning.—(Received November 22.)

(Extract.) *Brussells, November* 19, 1822.

I HAVE great satisfaction in being now enabled to transmit to you, officially, the consent of this Government to the principle of an explanatory or additional Article to the Slave Trade Treaty, by which vessels engaged in that traffick, and endeavouring to evade the provisions of the stipulations now existing, by momentarily unshipping their Slaves, so that none may be found actually on board at the time of capture, will, nevertheless, be subject to condemnation, upon proof thereof.

This consent you will find in the copy of M. le Baron de Nagell's Note herewith transmitted, which, though dated yesterday, has only this moment reached me;—happily, however, in sufficient time to be announced to His Majesty's Government by the present courier.

The Right Hon. George Canning, &c. &c. &c. (Signed) CLANCARTY.

(*Inclosure in No.* 18.)

The Baron de Nagell to The Earl of Clancarty.

Bruxelles, le 18 *Novembre* 1822.

LE Soussigné, Ministre des Affaires Etrangères, s'est empressé de demander les Ordres du Roi au sujet de la Note que Son Excellence M. Le Comte de Clancarty, &c. lui a fait l'honneur de lui envoyer le 8 de ce mois, pour lui rappeller une proposition verbale sur la nécessité de prevenir, par un arrangement mutuel entre les deux Cours, que les Capitaines des Navires employés à la Traite des Nègres, ne parviennent à éluder les dispositions du Traité du 4 Mai 1818, contre le Trafic des Esclaves, par la seule circonstance qu' étant poursuivis par quelque vaisseau muni des instructions réquises, ils descendent les Esclaves dans les chaloupes pour les transporter à terre.

Le Soussigné a la satisfaction d'informer Son Excellence M. le Comte de Clancarty, que Le Roi est très disposé à s'entendre à cet égard avec S. M. Le Roi de la Grande Brétagne, et qu'à cette fin il lui a plu d'autoriser le Soussigné à entrer en conférence avec S. E. à l'effet de convenir ensemble de la rédaction d'un acte, au moyen du quel il serait mis obstacle à de pratiques pareilles.

Le Soussigné saisit cette occasion pour rappeller à S. E. que le 7 Mai dernier il a prevenu M. Chad, &c. qu'il se trouvait muni du consentement de Son Auguste Maître pour négocier et signer avec M. l'Ambassadeur une Déclaration spéciale, tendant à pourvoir aux vacances temporaires éventuelles dans les Cours de Justice Mixtes pour la repression de la Traite des Nègres.

En conséquence de la présente communication, le Soussigné prie S. E. M. l'Ambassadeur et de lui indiquer le jour et l'heure qu'il lui conviendrait de conférer avec lui sur les objets précités, et lui renouvelle en même tems l'assurance de sa haute consideration.

(Signé) A. W. C. DE NAGELL.

Son Excellence Le Comte de Clancarty, &c. &c. &c.

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(*Inclosure in No.* 18.)

The Baron de Nagell to The Earl of Clancarty.

(Translation.)

Brussells, November 18, 1822.

THE Undersigned, &c. hastened to receive the Orders of The King on the subject of the Note which His Excellency The Earl of Clancarty did him the honour to send to him the 8th of this month, to remind him of a verbal proposal upon the necessity of preventing, by a joint arrangement between the two Courts, Captains of vessels employed in the Slave Trade evading the stipulations of the Treaty of the 4th of May 1818, against the Traffick in Slaves, by the circumstance that, when pursued by a ship provided with the requisite instructions, they lower the Slaves into the boats for the purpose of sending them ashore.

The Undersigned has the satisfaction of informing His Excellency The Earl of Clancarty, that The King is quite ready to act in concert upon this subject with His Majesty The King of Great Britain; and that with this view He has been pleased to authorize the Undersigned to confer with His Excellency in order that they may agree together in the drawing out of an Act, by means of which a stop should be put to such practices.

The Undersigned avails himself of this opportunity to recall to His Excellency's recollection, that on the 7th of May last he acquainted Mr. Chad, &c. that he was authorized by his August Master to negotiate and sign with the Ambassador, a special Declaration which should provide for the temporary vacancies that might occur in the Mixed Courts of Justice appointed for the repression of the Slave Trade.

In consequence of the present communication the Undersigned requests His Excellency the Ambassador, to appoint the day and hour that may be convenient to him, to confer with him upon the above-mentioned objects; and renews to him at the same time the assurance of his high consideration.

(Signed) A. W. C. DE NAGELL.

His Excellency The Earl of Clancarty,
&c. &c. &c.

No. 19.

The Earl of Clancarty to Mr. Secretary Canning.—(Received November 26.)

SIR, *Brussells, November* 22, 1822.

I HAD yesterday my first conference with M. le Baron de Nagell upon the two additional Articles to the Treaty of the 4th of May 1818; the principles of which have been already assented to by this Court.

At this conference I merely delivered to him, for his consideration, the two Drafts conveyed in your Despatches of this year, proposing, at the same time, that these should be adopted as the form of the Articles.

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These he carefully read over, and having stated to me the necessity he was under of having them translated into the French language, and submitted to the Minister of Justice, (who was joined with His Excellency in the Full Powers under which the original Treaty was negociated,) before he could give any answer upon them,—we separated.

I have the honour to be, &c.

(Signed) CLANCARTY.

The Right Hon. George Canning.
&c. &c. &c.

No. 20.

Mr. Secretary Canning to The Earl of Clancarty.

MY LORD, *Foreign Office, November 26, 1822.*

I HAVE the honour to transmit to Your Excellency the copy of a Despatch, dated the 20th of September, from His Majesty's Commissary Judge at Surinam, giving an account of the escape of *Charles Beverley*, a British subject, who had been imprisoned on a charge of smuggling Slaves into that Colony, and was also strongly suspected of having been actively and extensively employed in the illegal Traffick in Slaves,—the particulars whereof are fully detailed in Mr. Lefroy's former Despatches, copies of which have been forwarded to Your Excellency.

It is with much regret that I have to call Your Excellency's attention to the statements in Mr. Lefroy's Despatch, of the continuance of that supineness, so frequently complained of, in the Dutch Authorities at Surinam, to give full and entire effect to the provisions of the Treaty for preventing illegal Traffick in Slaves; and thereby setting at naught the positive orders which (as His Majesty's Government have repeatedly been given to understand) have been sent to those Officers by the Government of The King of the Netherlands.

Mr. Lefroy, in his letter, suggests that the introduction into the Colony of Surinam of a Registry of Slaves, similar to that established and enforced in the British Colonies, would be most effectual in tending to check these gross infringements of the Netherlands Colonial Law. I am, therefore, to signify His Majesty's commands to Your Excellency, that, in bringing these circumstances to the notice of the Dutch Ministers, you will take an opportunity of suggesting to them, the great advantages which would accrue towards carrying into complete effect the object of the Treaty of the 4th of May 1818, if such a Slave Registry were introduced into, and enforced in the Dutch West India Colonies.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency The Earl of Clancarty, G. C. B.
&c. &c. &c.

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No. 21.

The Earl of Clancarty to Mr. Secretary Canning.—(Received December 3.)

(Extract.) *Brussells, November* 29, 1822.

I YESTERDAY evening received your Despatch of the 26th instant, with its Inclosures; and immediately after the present Messenger shall have been despatched, I shall proceed to execute the instructions therein conveyed.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

No. 22.

The Earl of Clancarty to Mr. Secretary Canning.—(Received December 6.)

(Extract.) *Brussells, December* 3, 1822.

I HAVE the honour herewith to inclose, for your information, the copy of a Note addressed by me to M. le Baron de Nagell on the 30th ultimo, in obedience to your instructions of the 26th of November.

In this paper I have endeavoured to enforce every point of a tangible nature, brought forward in Mr. Lefroy's Letter of the 20th of September last, transmitted with your Despatch.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

(Inclosure in No. 22.)

The Earl of Clancarty to The Baron de Nagell.

Brussells, November 30, 1822.

THE Undersigned, &c. has received instructions from his Government to express the regret they feel at hearing of the escape, on the 16th of September last, of Charles Beverley, a British subject, from the Criminal Gaol of Surinam, where he was confined for the purpose of being brought to trial upon a charge of having been engaged in the illicit importation of Slaves into that Colony.

The Proclamation of Major-General de Veer, Governor of Surinam, issued immediately after the event, and which, with the exception of omitting the offer of a reward—the better to stimulate exertion—is perhaps all that could have been done upon the spur of the occasion,—authorizes the expectation on the part of the British Government, not only that no effort will have been left untried by His Excellency to secure the recapture of the escaped delinquent, but also that the Governor will have instituted an immediate and rigid inquiry, in order to discover whether, through the neglect or collusion of any of the Persons in the employment of the Dutch Government, or of others, the escape of Beverley has not been favoured, and in that event to visit the guilty Party

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with punishment sufficiently severe to secure the publick against the like occurrence in future. For the purpose of still further insuring the accomplishment of this double object, by exciting to the utmost the exertions of the Colonial Authorities, as well for the recapture of Beverley, as for the punishment of those who may be found to have favoured his escape, the Undersigned has received the commands of The King, his Master, to press upon His Majesty The King of the Netherlands, the issue of Instructions to the Governor of Surinam at the earliest opportunity, to this effect.

From the intelligence received by the British Government from Surinam, it appears that the Fiscal of that Colony had caused the Negroes imported by Beverley to be restored to the Consignee, M. de Martineau, upon security, as it is stated, being given by this Person, that sufficient proof should be adduced of the legality of the importation under the Dutch Law. M. le Baron de Nagell must be well aware, that in every point of view the importation of these Negroes was contrary to the stipulations of the Treaty of the 4th of May 1818, and, consequently, that under the provisions of the same, these wretched beings should now be liberated in the manner therein prescribed; and the Undersigned has been instructed to reclaim their liberation accordingly.

If, by having resided at Martinique since the month of September 1818, (which, however, there is good reason to believe was not the case), their subsequent importation into Surinam should fall under the sanction of the Dutch Law, still it is not less at variance with the Treaty; and consequently still these Negroes are entitled to liberation, and to be rendered free labourers under that Instrument, — leaving it to The King of the Netherlands, if His Majesty shall so think fit, to give such indemnity to the Consignee as He may deem expedient; at least, as it is presumed, even under the Dutch Law, that till the question as to the legality of the importation shall be decided, these wretched Negroes should not be condemned to slavery, but should be taken proper care of by the Colonial Government.

The Undersigned, therefore, requests upon the part of his Government, that the Fiscal may be called upon to explain his conduct in this instance, and that the Negroes may be taken into His Netherlands Majesty's service, at least till the matter shall be decided, and afterwards duly certificated under the provisions of the Treaty, as having been imported contrary to its stipulations.

The Undersigned has further been directed to seek for information on the part of his Government, whether any other British subject, besides Beverley, was engaged in the importation of Negroes, for which he was imprisoned; and if so, to request the name or names, and, as far as it may be known, the description of such British subjects: he has, therefore, the honour to suggest to M. le Baron de Nagell, the propriety of this Government calling upon the Fiscal to report the facts as they may be in this respect, as perhaps the best means of attaining the required information.

The strong assurances of the anxiety of this Government entirely to abolish all Traffick in Slaves by its subjects, given by His Excellency the Minister of the Colonies, in the month of March last, confirmed as they have subsequently been by M. le Baron de Nagell's Note, addressed to Mr. Chad on the 28th October, convince the Undersigned, that the above several Points will not fail to be immediately considered, and properly acted upon, by the Netherlands Government.

The same assurances likewise induce him confidently to expect, that a measure which he has been commanded by The King, his Master, to press forcibly upon the favourable consideration and adoption of this Government, will be received with all that cordiality, and with that sincere desire to cooperate by its acceptance, to which it is so well entitled.

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The measure recommended is, that of the establishment of a Registry for Slaves in the Colonies of His Majesty The King of the Netherlands, and a correspondent Registration of the same Slaves in the Mother Country, similar to those adopted in His Britannick Majesty's Dominions.

The adoption of this proposal, besides producing the most simple and effectual bar to all future importations of Slaves, affords at the same time an indefeasible title to the legitimate Slave Owner, capable of the highest, simplest, and most easy proof; while it also effectually opposes all fraud on transfer to fellow-subjects, or loans, secured by the pledge of such Slaves, and enables such Parties, by the duplicate Registry, to contract for sales and loans on such Slaves in Europe, without the fear of inconvenience or disappointment arising from any fraudulent practice.

Had it been possible that such a Registry of Slaves had been then established at Martinique, it could not have remained long a question, whether the Slaves imported into Surinam by Beverley were resident in the Island of Martinique in September 1818.

In the strong hope that the measure thus pressed upon the favourable consideration of the Court of The King of the Netherlands, will meet with its adoption, the Undersigned avails himself, &c.

(Signed) CLANCARTY.

His Excellency The Baron de Nagell.
&c. &c. &c.

No. 23.

Mr. Secretary Canning to The Earl of Clancarty.

MY LORD, *Foreign Office, December 3, 1822.*

I TRANSMIT to you herewith, a Full Power, which The King has been pleased to grant to Your Excellency, under the Great Seal, authorizing and empowering you to conclude, with any Minister vested with similar Full Powers on the part of The King of the Netherlands, certain additional Articles to the Treaty already subsisting between His Majesty and that Sovereign, for the prevention of the Traffick in Slaves.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency The Earl of Clancarty, G. C. B.
&c. &c. &c.

No. 24.

Mr. Secretary Canning to The Earl of Clancarty.

(Extract.) *Foreign Office, December 13, 1822.*

I HAVE received and laid before The King, Your Excellency's Despatches of the 29th of November, and of the 3d of December instant, on the subject of the Slave Trade at Surinam. I am happy to have to convey to Your Excellency The King's gracious approbation of the manner in which you have executed His Majesty's commands, signified to you in my Despatch of the 26th November, urging the Netherlands Government to a more full and due execution of the Treaty abolishing the Trade in Slaves, and to the enforcement of a Registry of Slaves in the Colonies.

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I transmit for Your Excellency's information and guidance, the inclosed copies of instructions forwarded from this Office to His Majesty's Commissioners at Surinam, for the regulation of their conduct.

Your Excellency seems so fully to have entered into these views of His Majesty's Government, that I should hardly have thought it necessary, on that account, to send to you these Despatches; but as they refer to the subject of my Despatch above quoted, which is likely to become a point of further discussion with the Government of the Netherlands, it may be useful and satisfactory to Your Excellency to be in possession of them.

(Signed) GEORGE CANNING.

His Excellency The Earl of Clancarty, G. C. B.
&c. &c. &c.

No. 25.

The Earl of Clancarty to Mr. Secretary Canning.—(Received December 23.)

(Extract.) *Brussells, December 20, 1822.*

THE two Drafts of Articles for carrying into effect the principle of those additions agreed upon to be added to the Treaty of 4th May 1818, and which I have already acquainted you had been delivered to M. le Baron de Nagell on the 21st ultimo, have since been referred to and reported on, severally, by the Minister of Justice, and by the Minister of the Colonies, and are now before The King, for His final commands thereon.

I have been obliged, in order to adapt the form of the Proviso (to be proposed) to the insertion of the specifick description of the vessel transmitted in your Despatch of 1st November, somewhat to alter the wording of the former, but I should hope you will be of opinion, not materially. The accompanying Draft will present the change which I have thus made.

I have also thought it expedient somewhat to transpose the several items of description comprised in the inclosure to your Despatch, by placing those points of description, some of which are most relied upon, and others of which appear the most forcibly to indicate the illicit employment of the vessel, in the front ground. A copy of the description thus transposed, I have the honour herewith to transmit for your information.

The Right Hon. George Canning, (Signed) CLANCARTY.
&c. &c. &c.

(First Inclosure in No. 25.)

Draft of *Proviso*, as amended.

PROVIDED always, and it is hereby further agreed, that upon proof being duly given before the Mixed Court, whereupon it shall appear, that any vessel subject to examination under the Treaty, and detained (here might be inserted the qualification of "hovering near" and within a certain latitude),

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and which, in her outfit and equipment, shall fall within one or more of the following designations, viz.

1.—Having, &c.

(Here insert such of the indications which mark the employment of such vessel for the purposes of the Slave Trade, as may be agreed upon.) The proof of these, or of any of these several indications, shall be considered as *primâ facie* evidence of her actual employment in the Slave Trade, and unless rebutted by satisfactory proof upon the part of the Master or Owners, that such vessel was otherwise legally employed at the time of capture, the vessel shall thereupon be condemned by the Mixed Court, and shall be declared lawful prize.

(Second Inclosure in No. 25.)

Indications which each evidently and respectively mark the employment of a Vessel on, or hovering near, the Coast of Africa, for the purposes of the Slave Trade.

1.—HAVING her hatches fitted with open gratings, instead of being close hatches as usual in Merchant vessels.

2.—Having more divisions or bulk heads in the hold or on deck, than necessary for trading vessels.

3.—Having on board spare plank, either actually fitted in that shape, or fit for readily laying a second or moveable deck, or Slave deck.

4.—Having on board shackles, bolts, or handcuffs.

5.—Having on board an unreasonable quantity of water in casks or tanks, more than sufficient for the consumption of her crew as a Merchant vessel.

6.—Having on board an unreasonable number of water-casks, or other vessels for holding water, unless the Master shall produce a certificate from the Custom-House from the Place from which he cleared outwards, stating that a sufficient security had been given by the Owners of such vessel, that such extra quantity of casks or other vessels should only be used for the reception of palm oil.

7.—Having on board a greater quantity of mess-tubs or kids than requisite for the use of her crew, as a Merchant vessel.

8.—Having on board two or more copper boilers, or even one of an unreasonable size, larger than requisite for the use of the crew as a Merchant vessel.

9.—Having on board an unreasonable quantity of rice or farinha (flour of the manioc of Brazil, or of Cassada,) or maize, or Indian corn, beyond any probable requisite provision for the use of her crew, and such rice, flour, maize, or Indian corn, not being entered on the manifest as part of the cargo for trade.

The Article may be made to apply to any vessel subject to examination under the Treaty, and confined to those of this description, hovering or sailing near to the West Coast of Africa, (say within one or more degrees distance from the shore,) and within a certain compass of latitude, viz. between the 20th degree of North latitude, and 20th of latitude South of the Equator; or at anchor in any of the rivers or bays of the said Coasts.

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No. 26.

The Earl of Clancarty to Mr. Secretary Canning.—(Received December 23.)

(Extract.) *Brussells, December 20, 1822.*

I HAD yesterday the honour of receiving your Despatch of the 13th instant.

I feel deeply penetrated with a grateful sense of His Majesty's condescension in the approbation He has been graciously pleased to express of the manner in which I have executed His Royal commands, signified to me in your Despatch of the 26th of November

I very much thank you also for the copies of the Instructions to His Majesty's Commissioners at Surinam; they are highly interesting Papers, and I doubt not will prove of considerable service.

My Note of the 30th ultimo to The Baron de Nagell, passed in obedience to the instructions conveyed to me in your Despatch of the 26th ultimo, has been referred to M. de Falck, Minister for the Colonies:—with this Gentleman I have had some conversation of late upon the subject of it: he says he has not yet received any Despatches from Surinam of so late a date as the 20th September, or any other intimation of the escape of *Beverley* than what was conveyed in my Note. He assures me that due inquiry shall be made into the parts requiring inquiry in that document, and reassured me so late as Wednesday last, in the most solemn manner, that my Court should have no cause to complain of his, for want of thorough co-operation in the execution of the Treaty. He seemed to look favourably upon the proposal for the establishment of Colonial Slave Registries, and expressed himself to be pleased when I informed him that I had written home for copies of our Laws and Forms upon this subject.

I have, &c.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

No. 27.

The Earl of Clancarty to Mr. Secretary Canning.—(Received December 26.)

(Extract.) *Brussells, December 24, 1822.*

THE Protocols with their several Annexes, which I have now the honour to transmit, will present to you the progress made, up to absolute agreement, in the negotiation of the two Articles in addition to the Treaty of 4th May 1818, into which, under your instructions, I was directed to enter with this Government.

After this transaction had been gone through, M. le Baron de Nagell observed, that either in the Conventional Document itself, or by a precise understanding between the two Governments, some fixed date,

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from the time of the ratification, should be marked, at which the additional Articles should commence their operation, in order that a sufficient interval should take place, during which, notification and proper orders for carrying them into effect, might be sent out to the Colonies of each of the High Contracting Parties.

This seemed reasonable; and now that the two Articles have been absolutely agreed upon, as I was not averse to hold the final signature of the more solemn act open for a short time, in the hope of comprizing within it some Proviso or additional Article relative to the outfit, in obedience to your later instructions, I therefore told M. de Nagell that I would refer the matter to His Majesty's Government.

The time allowed to the Netherlands by the Treaty of May 4, 1818, (see Art. 1) to put that Act into execution, was *eight months from the ratification, or sooner if possible.* Two or three months, it would appear to me, would be sufficient to allow here.

I have not herewith inclosed (though annexed to the original Protocol) copies of the Proviso, and of the description of a vessel indicating her employment in the Slave Trade, because these have already been transmitted home by me.

I have the honour, &c.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

(*First Inclosure in No. 27.*)

Preliminary Protocol. *Brussells, November* 21, 1822.

THEIR Majeties, The King of the United Kingdom of Great Britain and Ireland, and The King of the Netherlands, having agreed upon the expediency of entering into two further additional Articles, in addition to and explanatory of the Treaty of the 4th of May 1818; Conferences were agreed to be held between Their Excellencies M. le Baron de Nagell, Plenipotentiary upon the part of His Netherlands Majesty, and The Earl of Clancarty on the part of His Britannick Majesty, for the purpose of concerting and adopting the proper form by which the intentions of Their Majesties should be carried into effect.

Protocol of First Preliminary Conference.

Foreign Office of His Majesty The King of the Netherlands at Brussells, November 21, 1822.

Present, THE EARL OF CLANCARTY.
M. LE BARON DE NAGELL.

THE Earl of Clancarty presented to M. le Baron de Nagell the Drafts of two Projects of Articles in the English Language, which he proposed should be adopted and signed, for the purpose of being hereafter ratified by their respective Sovereigns.

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These Drafts His Excellency M. le Baron de Nagell received, stating, that he should be under the necessity of having them first translated into French, in order that they might be subsequently duly considered.

His Excellency, therefore, for the present postponed any observation on them, deferring his Answer to a future conference.

(Signed) CLANCARTY.
A. W. C. DE NAGELL.

(*Second Inclosure in No.* 27.)

Annex No. 1. to Protocol of the First Conference.

Additional Article to the Treaty between His Britannick Majesty and The King of the Netherlands, for the Prevention of the Illegal Traffick in Slaves, signed at The Hague, May 4, 1818.

THE High Contracting Parties hereby agree that, in the event of the absence, on account of illness or of any other unavoidable cause, of one or more of the Commissioners, Judges and Arbitrators under the above-mentioned Treaty, or in the case of their absence in consequence of leave of absence from their Government, duly notified to the Board of Commission sitting under the said Treaty, their Posts shall be supplied in the same manner in which, by the Article IX. of the Regulations for the Mixed Commissions, those vacancies in the Commissions are to be supplied, which may occur by the death of one or more of the Commissioners aforesaid.

This Article shall have the same force and effect as if it had been inserted word for word in the above-mentioned Treaty, and shall be held to form part of the same.

In witness whereof, the Undersigned, duly furnished with Full Powers from their respective Sovereigns, have signed the present additional Article, and have affixed thereunto the seal of their Arms.

Done at..... the..... day of.....

(Signed)

(*Third Inclosure in No.* 27.)

Annex No. 2. to Protocol of the First Conference.

Explanatory Article to the Treaty between His Majesty and The King of the Netherlands, concluded and signed at The Hague, May 4, 1818.

ARTICLE.

WHEREAS it is stated in Article I. of "Instructions intended for the "British and Dutch ships of war, employed to prevent the illicit Traffick in "Slaves," that, "ships on board of which no Slaves shall be found intended "for purposes of traffick, shall not be detained on any account or pretence "whatever." And whereas it has been found by experience, that vessels employed in the illegal traffick, have unshipped their Slaves immediately prior to their being visited by the ships of war, and that such vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Treaty above-mentioned:—

The High Contracting Parties therefore feel it necessary to declare, and it is hereby declared by them, that, if there shall be clear and undeniable proof,

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that a Slave or Slaves has or have been put on board a vessel for the purpose of illegal traffick, in the particular voyage on which the vessel shall be captured, then, and on that account, according to the true intent and meaning of the stipulations of the Treaty, such vessel shall be detained by the cruizers, and finally condemned by the Commissioners.

This explanatory Article shall have the same force and effect as if it were inserted word for word in the said Treaty, and shall be held to form part of the same.

In witness whereof, the Undersigned, furnished with Full Powers to that effect from their respective Sovereigns, have hereunto signed their names, and affixed their seals.

Done at ..... the ..... day of .....

(Signed)

(*Fourth Inclosure in No. 27.*)

Protocol.—Second Conference, 23d December 1822.

Foreign Office of the Court of the Netherlands.

Present, THE EARL OF CLANCARTY.
M. LE BARON DE NAGELL.

FULL Powers presented by each of the Plenipotentiaries, in original, from their respective Sovereigns, read and appproved.

Certified Copies thereof exchanged.

Protocol read, approved, and signed.

M. leBaron de Nagell presented the French copies of the Projects of Articles, delivered in on the 21st November, together with the English versions, and stated his agreement thereto.

The Articles were then read, compared, and signed.

After which, Monsieur de Nagell suggested that it would be better, in lieu of having the heading and conclusion of each Article, as adopted, continued when prepared for final signature, that a general heading and general conclusion would be more in form, and he proposed a Draft for the same accordingly in the French language, which was acceded to by Lord Clancarty.

Lord Clancarty then stated, that he had received instructions to propose an additional Proviso to the second Article, or, if thought more expedient, a substantive additional Article, rendering evidence of the peculiar mode of outfit of vessels within a certain latitude and distance from the Coast of Africa, *primâ facie* proof of their engagement in the Slave Trade, and if not rebutted by satisfactory evidence of other employment, declaring the same sufficient to warrant their capture and condemnation by the Commissioners;—he then presented the form of such Proviso, and a Paper containing the several Indications by which a vessel might be known, as fitted for the Slave Trade.

Monsieur le Baron de Nagell stated that he was not warranted by his Court to receive, as matter of negociation, any thing further than what had already been delivered and agreed to; he could not therefore even accept the Papers tendered by Lord Clancarty, otherwise than for the purpose of laying them before The King, his Master, and certainly should feel quite unauthorized to express any opinion, whatever, upon their subject.

And on this understanding, he consented to lay them before The King.

(Signed) A. W. C. DE NAGELL.
CLANCARTY.

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(Fifth Inclosure in No. 27.)

Annex No. 1. to Protocol of the Second Conference.

Article Additionnel au Traité entre Sa Majesté Britannique et Le Roi des Pays-Bas, pour prevenir le Trafic illégal d'Esclaves, signé à La Haye le 4 Mai 1818.

LES Hautes Parties Contractantes sont convenues, que dans le cas d'absence pour cause de maladie ou quelque autre cause inévitable, d'un ou de plusieurs des Commissaires, Juges et Arbitres du chef du présent Traité, ou en cas d'absence de leur part, en conséquence d'un congé de leur Gouvernement, dûment notifié au Conseil de Commission séant en vertu du dit Traité, leurs Places seront remplies de la manière dont, par l'Article IX. du Règlement pour les Commissions Mixtes, les vacances par cas de mort d'un ou de plusieurs des Commissaires susdits, doivent être remplies dans les dites Commissions.

Le présent Article aura la même force et effet que s'il avait été inséré mot-à-mot dans le Traité sus-mentionné, et sera tenu comme en faisant partie.

En Foi de quoi, les Soussignés dûment munis des Pleins-pouvoirs de leurs Souverains respectifs, ont signé le présent Article additionnel, et y ont apposé le cachet de leurs Armes.

Fait à..... le..... de.....

(Sixth Inclosure in No. 27.)

Annex No. 2. to Protocol of the Second Conference.

Article explicatif du Traité entre Sa Majesté Britannique et Le Roi des Pays-Bas, conclû et signé à La Haye le 4 Mai 1818.

ARTICLE.

COMME il a été statué par l'Article I. des Instructions pour les Vaisseaux des Marines Royales de la Grande Bretagne et des Pays-Bas "employés à "prevenir le Trafic d'Esclaves, que les navires à bord desquels on ne trouvera "point d'Esclaves destinés à des objets de commerce, ne seront detenus sous "aucune raison ou prétexte quelconques;" et que l'expérience a démontré que les navires employés à ce trafic illégitimé ont debarqué leurs Esclaves immédiatement avant d'avoir été visités par des vaisseaux de guerre, et que les navires ont ainsi trouvé moyen d'esquiver leur confiscation, et ont pû poursuivre leur procédé illicite avec impunité, en opposition au bût et à l'esprit du Traité prémentionné;

Les Hautes Parties Contractantes ont, à ces causes, jugé nécessaire de déclarer par les présentes, que s'il existe des preuves claires et indubitables, que quelques Esclave ou Esclaves ait ou ayent été placés à bord d'un navire dans l'intention d'un trafic illégal, pendant le voyage durant lequel le navire sera capturé, pour lors et de ce chef conformément à la véritable intention et au sens des stipulations du Traité, un tel navire sera détenu par les croiseurs, et finalement condamné par les Commissaires.

Le présent Article explicatif aura la même force et effet que s'il se trouvait inséré mot-à-mot dans le dit Traité, et sera tenu comme en faisant partie.

En Foi de quoi, les Soussignés, munis à cet effet des Pleins-pouvoirs de leurs Souverains respectifs, ont signé le dit Article et y ont fait apposer le cachet de leurs Armes.

Fait à..... le..... de.....

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(*Seventh Inclosure in No. 27.*)

Annex No. 3. to Protocol of the Second Conference.

SA Majesté Le Roi des Pays-Bas, et Sa Majesté Le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, ayant trouvé à propos de convenir ensemble sur les dispositions suivantes, additionelles ou explicatives du Traité conclû entre leurs dites Majestés à la Haye le 4 Mai 1818, pour la répression du Trafic des Esclaves, ont nommé à cette fin leurs Plénipotentiaires, *ad hoc*, savoir:

Sa Majesté Le Roi des Pays-Bas, Le Sieur Anne Willem Carel, Baron de Nagell d'Ampsen, &c.

Et Sa Majesté Le Roi du Royaume Uni de la Grande Bretagne et d'Irlande, le très Honorable Richard, Comte de Clancarty, &c.

Lesquels, après avoir échangé leurs Plein-pouvoirs, trouvés en bonne et due forme, sont convenus des Articles explicatifs et additionnels suivans:

(Fiat Insertio.)

Les Articles explicatifs et additionnels précités, seront soumis à la Ratification des Souverains respectifs, et auront la même force et effet que s'ils se trouvaient insérés mot-à-mot dans le Traité du 4 Mai 1818, ci-dessus indiqué, et seront tenus comme en faisant partie. Les Actes de Ratification seront échangés dans l'espace d'un mois, ou plutôt, si faire se peut.

En Foi de quoi, les Plénipotentiaires respectifs ont signé le présent Acte, et y ont apposé le cachet de leurs Armes.

Fait, &c.

(*Eighth Inclosure in No. 27.*)

Annex No. 4. to Protocol of the Second Conference.

HIS Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of the Netherlands, having thought fit to agree upon the following Arrangements, additional to and explanatory of the Treaty concluded between their aforesaid Majesties, at the Hague, May 4, 1818, for the prevention of the Trade in Slaves, have therefore named as Their Plenipotentiaries, *ad hoc*:—

His Majesty The King of the United Kingdom of Great Britain and Ireland, The Right Honourable Richard Earl of Clancarty, (here follow the Titles, &c. &c.), Ambassador Extraordinary and Plenipotentiary of His said Majesty, to His Majesty The King of the Netherlands, Grand Duke of Luxembourg;

And His Majesty The King of the Netherlands, Anne William Charles Baron de Nagell d'Ampsen, &c. (here follow the Titles), and Minister of State holding the Department of Foreign Affairs: who having exchanged their Full Powers, found in good and due form, have agreed on the following explanatory and additional Articles:

(Fiat Insertio.)

The *two* explanatory and additional Articles above-mentioned, shall be submitted *to the approval and* to the ratification of the respective Sovereigns, and shall have the same force and effect as if they were inserted word for word in the Treaty of May 4, 1818, above-mentioned, and shall be held to form part of the same.

The Acts of Ratification shall be exchanged within the space of one month from this date, or sooner, if possible.

In witness whereof, the respective Plenipotentiaries have signed the present Act, and thereunto affixed the Seal of their Arms.

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No. 28.

Mr. Secretary Canning to The Earl of Clancarty.

MY LORD, *Foreign Office, December 27, 1822.*

YOUR Excellency's Despatches to the 24th instant, inclusive, have been received and laid before The King.

His Majesty has seen, with great satisfaction, by your last Despatch of that date, that the Netherlands Government has definitively agreed to the conclusion of two of the Articles in addition to the Slave Trade Treaty of the 4th of May 1818, which Your Excellency has been directed to propose.

His Majesty's Government approve of the slight verbal alteration which Your Excellency has made in one of those Articles, of the form in which you intend to sign them, and of the term at which you propose that their operation is to commence, viz. three months from the date of their ratification.

As we have already received from Spain additional Articles of a similar import, duly executed, it is very important that Your Excellency should proceed without delay, to the immediate signature of the two additional Articles, which you have agreed upon with the Netherlands Government, leaving the further additional Article containing the *Proviso*, treated of in your Despatch of the 20th instant, as matter for further discussion.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency The Earl of Clancarty, G. C. B.
&c. &c. &c.

No. 29.

The Earl of Clancarty to Mr. Secretary Canning.— (Received January 2, 1823.)

(Extract.) *Brussells, December 31, 1822.*

ON Sunday last I had the honour to receive your Despatches, dated the 27th instant.

In obedience to the instructions contained therein, I immediately proceeded to arrange with M. le Baron de Nagell, for the execution, by seal and signature, of the two Articles already agreed upon between the two Governments.

This measure has been accomplished this morning, and I have now the pleasure to transmit herewith, the additional Convention, legally completed, in this matter.

The Original, herewith transmitted, will, I should hope, be graciously approved by His Majesty, and made effective by His Royal Ratification.

Under the sanction conveyed in your Despatch, I proposed to M. de Nagell, that the term at which the new stipulations should become binding upon the High Contracting Parties, should be at the end of three months *from the exchange of the Ratifications, or sooner, if possible.*

His Excellency doubted the sufficiency of this period of time to allow of due notification and orders thereon, to be sent out to the Dutch Settlements and Colonies, and cited the original Treaty, wherein the term of eight months

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from Ratification is stipulated as the period at which that Instrument should come into force.

I mentioned the striking difference between the two cases; and as M. de Nagell agreed with me, that this point could as well be settled by Note, as by inserting a substantive Article thereon in the more solemn Act, we have postponed its settlement accordingly, till he shall be able to take The King of the Netherlands' pleasure thereon.

In order, however, to bring this matter officially forward, I have addressed a formal Note to him upon the subject, a copy of which I have the honour herewith to inclose for your information.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

(*Inclosure in No.* 29.)

The Earl of Clancarty to The Baron de Nagell.

Brussells, December 31, 1822.

THE Undersigned, &c. has the honour to refer to certain conversations with His Excellency M. le Baron de Nagell, relative to the period subsequent to Ratification of the two Articles lately agreed upon, in explanation of and in addition to the Treaty of 4th May 1818, at which the said Articles should be understood to become binding upon the High Contracting Parties, so as to admit of a sufficient interval of time for sending out orders and directions for the strict observance thereof, to the Colonies.

In these conversations it was understood, that this matter could be as effectually arranged between the two Governments by official Note, as by incorporating with the two Articles, a substantive stipulation upon the subject, and therefore the mode of determining this matter by official Note was agreed upon. The Undersigned has now, in obedience to the instructions he has received for this purpose, the honour to propose, that the two Articles shall be considered as coming into full operation at the end of *three months from the exchange of Ratifications,* or as much sooner than this period, as the orders and instructions for their due execution, may be received in the Colonies.

It is true that in the original Treaty, the term of *eight months* from the Ratifications was taken as that at which that Convention should become absolutely binding upon the High Contracting Parties; but then the matter was new to this Country; all the machinery, in all its several branches for carrying it into effect, was to be created *ab initio,* while, in the present instance, two very simple regulations alone are to be carried into execution, easily applicable to a state of things already in existence.

This consideration, it is hoped, will induce the Netherlands Government to accede to the term herein-before proposed, as sufficient for every purpose of due notification to their Colonial Settlements on the Coast of Africa, and in the Western Hemisphere.

The Undersigned, &c.

(Signed) CLANCARTY.

His Excellency The Baron de Nagell,
&c. &c. &c.

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No. 30.

Mr. Secretary Canning to The Earl of Clancarty.

(Extract.) *Foreign Office, January* 3, 1823.

YOUR Excellency's Despatches to the 31st ultimo, inclusive, have been received and laid before The King.

It was particularly satisfactory to His Majesty to observe, that the additional Articles to the Slave Trade Treaty have received the assent of the Netherlands Government.

(Signed) GEORGE CANNING.

His Excellency The Earl of Clancarty, G. C. B.
&c. &c. &c.

No. 31.

The Earl of Clancarty to Mr. Secretary Canning.—(Received January 6.)

SIR, *Brussells, January* 3, 1823.

I HAVE the honour herewith to inclose, for your information, copies of the Protocols of the two last Conferences between Monsieur le Baron de Nagell and me, upon the subject of the additional Articles to the Treaty of the 4th of May 1818, as well those which have been recently signed, as that still under the consideration of the Court of the Netherlands.

With great respect, &c.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

(*First Inclosure in No.* 31.)

Protocol.—Third Conference, 30th December 1822.

Foreign Office of the Court of the Netherlands.

Present, MONSIEUR LE BARON DE NAGELL.
THE EARL OF CLANCARTY.

LORD CLANCARTY acquainted Monsieur de Nagell that his Court was desirous that the Act containing the two Articles already agreed to, should be executed by the signature and sealing of both Plenipotentiaries thereto, as early as might be convenient, and without waiting for the answer of the Netherlands Government to the proposal for a Proviso, or further additional Article, advanced by Lord Clancarty at the last Conference, which might stand over for further discussion till this Court should be enabled to give its opinion thereon. He therefore proposed, that this mode of proceeding should be adopted, which was immediately agreed to by Monsieur de Nagell, and directions given by both for writing out two Counterparts of the two Articles in the form agreed upon, for conjoint signature, the one in the English

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language for the Ratification of His Majesty The King of the United Kingdom of Great Britain and Ireland, the other in the French language for that of His Majesty The King of the Netherlands.

(Second Inclosure in No. 31.)

Protocol.— Fourth Conference, 31st December 1822.

Foreign Office of the Court of the Netherlands.

Present, M. LE BARON DE NAGELL.
THE EARL OF CLANCARTY.

THE two Articles having been written out fair for signature, according to the form agreed upon, and in the manner directed, Their Excellencies signed and sealed the same; and each having possessed himself of the proper counterpart for his respective Court, they mutually exchanged with each other certified copies of the counterparts retained by them; *i. e.* Monsieur le Baron de Nagell delivered over to the Earl of Clancarty a certified copy of the French counterpart, and the Earl of Clancarty, in like manner, delivered over to Monsieur le Baron de Nagell a copy, certified by him, of the counterpart in which the English language was used.

Preserving, therefore, for future consideration and discussion the Proviso, or further additional Article, proposed by the British Plenipotentiary at the second Conference held the 23d December instant, the Parties separated.

No. 32.

The Earl of Clancarty to Mr. Secretary Canning.—(*Received January* 9.)

(Extract.) *Brussells, January 7,* 1823.

I HAVE the honour herewith to inclose, for your information and future instruction to me, the copy of a Note received this morning from His Excellency The Baron de Nagell, wherein, in lieu of acceding to the term of *three months* proposed by me to him, as that at the end of which, from the exchange of Ratifications the additional Articles lately signed between the two Crowns, should become binding, — he proposes that *five months* should be substituted.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

(Inclosure in No. 32.)

The Baron de Nagell to The Earl of Clancarty.

Bruxelles, le 7 Janvier 1823.

LE Soussigné, &c. a mis sous les yeux du Roi son Maître la Note de M. Le Comte de Clancarty, &c. par laquelle Son Excellence propose de convenir, que les stipulations des Articles explicatif et additionnel au Traité du 4 Mai

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1818, qui ont été arrêtés par les Soussignés le 31 Decembre dernier, seront exécutoires trois mois à dater de la Ratification des dits Articles par les Souverains respectifs.

Cette espace de tems ayant paru un peu court, pour avoir la certitude que les ordres à dépêcher de part et d'autre puissent opérer réciproquement et au même instant, le Soussigné a été chargé de proposer à Son Excellence un terme de *cinq* au lieu de *trois* mois. Si le Gouvernement de Sa Majesté Britannique adopte cette modification, le Soussigné se trouve autorisé de régler définitivement cet objet avec Son Excellence moyennant l'échange des Notes, lors de la rémise des Actes de Ratification.

(Signé) A. W. C. DE NAGELL.

Son Excellence M. Le Comte de Clancarty,
&c. &c. &c.

(*Inclosure in No.* 32.)

The Baron de Nagell to The Earl of Clancarty.

(Translation.) *Brussells, January* 7, 1823.

THE Undersigned, &c. has laid before The King, his Master, the Note of The Earl of Clancarty, &c. by which His Excellency proposes to agree that the stipulations of the explanatory and additional Articles of the Treaty of the 4th May 1818, which have been agreed upon by the Undersigned on 31st of last December, shall be enforcable three months from the date of the Ratification of the said Articles by the respective Sovereigns.

This period being considered rather too short for the certainty that the orders to be issued by both Parties should operate reciprocally, and at the same moment, the Undersigned has been directed to propose to His Excellency a term of *five* instead of *three* months. Should the Government of His Britannick Majesty adopt this modification, the Undersigned will be authorized to arrange definitively this affair with His Excellency, by means of the exchange of Notes, at the time of the return of the Acts of Ratification.

(Signed) A. W. C. DE NAGELL.

His Excellency The Earl of Clancarty,
&c. &c. &c.

No. 33.

The Earl of Clancarty to Mr. Secretary Canning.—(*Received January* 20.)

SIR, *Brussells, January* 17, 1823.

I HAVE the honour herewith to inclose, the copy of a Note received yesterday from M. le Baron de Nagell, in which he states himself to be authorized to agree in the proposal made by me, at a Conference held with His Excellency on the 23d ultimo, for a further Proviso, or additional Article, to the Treaty of 1818, provided its operation should be confined within the limits of 20 degrees to the North, and 20 degrees to the South of the Line, and further, that it should not extend to the Westward beyond a degree from the African Coast.

The reason of this Western limitation I understand to be, that the ships in the Java and Eastern Trade, the former of which are said often to fall

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within the description of outfit, by which they might be exposed to capture; always take a course to the Westward further than a degree from the African Coast.

The limitation is, therefore, interposed as a necessary caution to secure them from detention, to which they might otherwise become liable.

Conceiving myself authorized under your instructions to accede to this modification, I immediately addressed the Note, of which the inclosed is a copy, to M. le Baron de Nagell.

In an interview which I have since had with His Excellency, he has stated his readiness to proceed to the final arrangement with me of the additional Article in the early part of the next week.

I am, &c.

The Right Hon. George Canning, (Signed) CLANCARTY.
&c. &c. &c.

(*First Inclosure in No.* 33.)

The Baron de Nagell to The Earl of Clancarty.

Bruxelles, le 16 *Janvier,* 1823.

LE Soussigné, &c. &c. se fait un plaisir de faire part à Monsieur Le Comte de Clancarty, &c. &c. qu'il se trouve autorisé par Le Roi, Son Maître, de convenir avec Son Excellence sur les nouvelles stipulations à ajouter au 2 Article du Traité de 4 Mai 1818, pour la répression du Trafic des Esclaves, et dont la proposition a été faite de la part de Sa Majesté Britannique dans l'une des Conférences que le Soussigné a eu l'honneur d'avoir avec Son Excellence, à l'occasion de l'adoption de certaines Articles additionnels aux dispositions du même Traité, bien entendu toutefois que les stipulations, dont il s'agit, ne pourront être obligatoires pour l'une et l'autre des deux Puissances qu'à la distance d'un dégré de la Côte occidentale de l'Afrique, entre le 20 dégré de latitude septentrionale et le 20 dégré de latitude meridionale.

Le Soussigné, &c.

(Signé) A. W. C. DE NAGELL.

Son Excellence Le Comte de Clancarty,
&c. &c. &c.

(*First Inclosure in No.* 33.)

The Baron de Nagell to The Earl of Clancarty.

(Translation.) *Brussells, January* 16, 1823.

THE Undersigned, &c. has great pleasure in making known to The Earl of Clancarty, &c. that he is authorised by The King, His Master, to agree with His Excellency to the new stipulations to be added to the second Article of the Treaty of the 4th May 1818, for the repression of the Traffick in Slaves, and of which a proposal was made, on the part of His Britannick Majesty, in one of the Conferences which the Undersigned had the honour of having with His Excellency, respecting the adoption of certain additional Articles to the dispositions of the same Treaty, on condition, however, that the stipulations, of which it treats, shall not be binding upon either of the two Powers, except at the distance of a degree from the western Coast of Africa, between the 20th degree of north, and 20th degree of south latitude.

The Undersigned, &c.

(Signed) A. W. C. DE NAGELL.

His Excellency The Earl of Clancarty,
&c. &c. &c.

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(*Second Inclosure in No.* 33.)

The Earl of Clancarty to The Baron de Nagell.

Brussells, January 16, 1823.

THE Undersigned, His Britannick Majesty's Ambassador Extraordinary and Minister Plenipotentiary to His Majesty The King of the Netherlands, has experienced great satisfaction in receiving Monsieur le Baron de Nagell's Note of this date, in which the communication is conveyed, that His Excellency is authorized to agree in the proposal made by the Undersigned for a further Proviso, or additional Article, to the Treaty of the 4th May 1818, provided the operation thereof shall be comprised within the limits expressed in His Excellency's Note.

The Undersigned will have great pleasure in renewing Conferences with Monsieur de Nagell upon this subject, at the earliest date that shall be agreeable to His Excellency, and avails himself of this occasion to renew to him the assurances of his high consideration.

(Signed) CLANCARTY.

Monsieur Le Baron de Nagell,
&c. &c. &c.

No. 34.

The Earl of Clancarty to Mr. Secretary Canning.—(Received January 28.)

SIR, *Brussells, January* 24, 1823.

I HAD yesterday a Conference with Monsieur le Baron de Nagell upon the further additional Article to the Treaty of 4th May 1818, last referred to in my Despatch of the 17th instant.

A copy of the Protocol of this Conference, with its Annexes, is herewith inclosed for your information.

I should hope the manner in which the Article, as agreed upon, has been drawn up, will meet the approbation of His Majesty's Government.

It appearing to be the wish of Monsieur de Nagell, and of His Chief Secretary, that time should be afforded till Saturday, (to-morrow) or till Monday, in order the better to write out the Article fair for signature, I readily agreed thereto.

By the next, or Tuesday's Messenger, you may, therefore, confidently expect the receipt of this additional Arrangement, duly signed.

I have, &c.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

(*First Inclosure in No.* 34.)

Protocol.—January 23, 1823.

Hotel of His Excellency The Minister for Foreign Affairs of The King of the Netherlands.

Present, HIS EXCELLENCY M. LE BARON DE NAGELL.
THE EARL OF CLANCARTY.

M. LE BARON DE NAGELL having intimated to Lord Clancarty, that The King, His Master, was willing to accede to the proposal made to His Excel-

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lency at the Conference of the 23d December last, provided that the operation of the proposed Article should not extend beyond one geographical degree to the Westward of the Coast of Africa, and beyond the space between the 20th deg. of lat. to the North of the Equator, and the 20th deg. of lat. to the Southward thereof;

Their Excellencies met this day for the purpose of arranging an Article for this purpose, and having agreed upon the same, as hereto annexed in the two languages, they gave directions that the same should be immediately prepared for signature.

(Signed) CLANCARTY.
A. W. C. DE NAGELL.

(*Second Inclosure in No.* 34.)

Annex No. 1 to the Protocol of 23d January.

HIS Majesty The King of the United Kingdom of Great Britain and Ireland, and His Majesty The King of the Netherlands, having thought fit to agree upon the following further Arrangement, additional to the Treaty concluded between Their aforesaid Majesties at the Hague 4th May 1818, for the prevention of the Trade in Slaves, and also in addition to the two explanatory and additional Articles, executed by the Plenipotentiaries of Their said Majesties on 31st December 1822; have named, authorized and directed the same Plenipotentiaries to sign in Their Names an Agreement, *ad hoc*, His Majesty The King of the United Kingdom of Great Britain and Ireland, The Right Honourable Richard, Earl of Clancarty, &c. &c., and His Majesty The King of the Netherlands, Anne William Charles Baron de Nagell d'Ampsen, &c &c., who, having exchanged their Full Powers, found in good and due form, have agreed on the following additional Article:

(*Third Inclosure in No.* 34.)

Annex No. 2 to the Protocol of 23d January.

SA Majesté Le Roi des Pays-Bas, et Sa Majesté Le Roi du Royaume Uni de la Grande Brétagne et d'Irlande, ayant trouvé à propos de convenir de l'arrangement ultérieure suivant, additionnel au Traité conclû entre leurs dites Majestés à la Haye le 4 Mai 1818, pour la repression du Trafic des Esclaves, et ainsi en addition des Articles explicatif et additionnel conclûs par les Plénipotentiaires de Leurs Majestés le 31 Decembre 1822, ont nommé, autorisé et commis les dits Plénipotentiaires à signer en Leurs Noms un Accord, *ad hoc*, savoir; Sa Majesté Le Roi des Pays-Bas, Le Sieur Anne William Carel Baron de Nagell d'Ampsen, &c. &c. et Sa Majesté Le Roi du Royaume Uni de la Grande Brétagne et d'Irlande, Le très Honorable Richard, Comte de Clancarty, &c. &c. lesquels, après avoir échangé leurs Pleins-pouvoirs, trouvés en bonne et due forme, sont convenus de l'Article additionnel suivant:

(*Fourth Inclosure in No.* 34.)

Annex No. 3 to the Protocol of 23d January.

ARTICLE.

AND it is hereby further agreed, that upon proof being duly given before the Mixed Court, whereupon it shall appear that any ship or vessel subject to examination under the Treaty, or under the explanatory or additional

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Articles, and detained hovering upon the Coast of Africa, within one geographical degree to the Westward thereof, and between the 20th degree of latitude North of the Equinoctial Line, and the 20th degree of latitude to the Southward thereof, or at anchor within any of the rivers, bays or creeks of the said coast, within the limits above particularly specified, or at anchor in any part within the said limits, and which ship or vessel in her outfit or equipment shall fall within one or more of the following designations, namely:

1.—Having her hatches fitted with open gratings, instead of being close hatches as usual in Merchant vessels.

2.—Having more divisions or bulk heads in the hold or on deck, than necessary for trading vessels.

3.—Having on board spare plank, either actually fitted in that shape, or fit for readily laying a second or moveable deck, or Slave deck.

4.—Having on board shackles, bolts, or hand-cuffs.

5.—Having on board an unreasonable quantity of water in casks or in tanks, more than sufficient for the consumption of her crew as a Merchant vessel.

6.—Having on board an unreasonable number of water casks, or other vessels for holding water, unless the Master shall produce a certificate from the Custom-House from the Place from which he cleared outwards, stating that a sufficient security had been given by the Owners of such vessel, that such extra quantity of casks, or other vessels, should only be used for the reception of palm oil.

7.—Having on board a greater quantity of mess-tubs or kids than requisite for the use of her crew, as a Merchant vessel.

8.—Having on board two or more copper boilers, or even one of an unreasonable size, larger than requisite for the use of her crew as a Merchant vessel.

9.—Having on board an unreasonable quantity of rice or farinha (flour of the manioc of Brazil, or of Cassada,) or maize, or Indian corn, beyond any probable requisite provision for the use of her crew, and such rice, flour, maize, or Indian corn, not being entered on the Manifest as part of the cargo for trade.

The proof of these, or of any or more of these several indications, shall be considered as *primâ facie* evidence of her actual employment in the Slave Trade, and unless rebutted by satisfactory evidence upon the part of the Master or Owners, that such ship or vessel was otherwise legally employed at the time of detention, or capture, the ship or vessel shall thereupon be condemned and declared lawful prize.

(*Fifth Inclosure in No.* 34.)

Annex No. 4. to the Protocol of 23d January.

ARTICLE ADDITIONNEL.

IL est également convenu par les presentes que lorsque d'après des preuves, duement formés par devant la Cour Mixte, il apparoitra qu'un vaisseau ou navire, sujet à l'examen, ou aux termes du Traité, ou aux termes des Articles explicatifs et additionnels, et detenu rodant ou naviquant sur, ou proche de la Côte d'Afrique, dans l'espace d'un degré géographique à l'ouest d'icelle, et entre le 20 degré de latitude Nord de la Ligne Equinoctiale et le 20 degré de latitude sud de la dite Ligne, ou à l'ancre dans une des rivières, bayes, ou criques, de la dite Côte dans la circonscription des limites specialement designées ci-dessus; ou à l'ancre en quelque endroit que ce soit, dans la circonscription des dites limites, et lequel vaisseau ou navire offrira dans son appropriation et équipement une ou quelques unes des designations suivantes:

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1.—D'avoir ses écoutilles en caillebottis ou treillis, ouverts au lieu de les avoirs fermées, comme le sont d'ordinaire celles des navires Marchands.

2.—D'avoir plus de séparations, ou cloisons à fond de cale ou sur le pont, qu'il n'en faut à des navires Marchands.

3.—D'avoir à bord des ais en reserve déjà appropriés ou de nature à l'être pour poser aisément un second pont, pont mobile ou pont Negrier.

4.—D'avoir à bord des chaines, des entraves, ou des menottes.

5.—D'avoir à bord une quantité exorbitante d'eau en barriques ou en cuves, et plus qu'il n'en faudrait pour la consommation de l'équipage d'un navire Marchand.

6.—D'avoir à bord un nombre exorbitant de barriques à eau ou autres vaisseaux à eau, à moins que le patron ne produisit un certificat de la Douane de l'endroit de son départ, constatant l'établissement d'une caution suffisante par les propriétaires du navire, que cette quantité surabondante de barriques ou autres vaisseaux ne servirait qu'à recevoir de l'huile de palmier.

7.—D'avoir à bord une plus grande quantité de baquets à portion que de réquis pour le service de l'équipage d'un navire Marchand.

8.—D'avoir à bord deux chaudrières de cuivre ou d'avantage, ou même une seule d'une dimension exorbitante et plus grande que ne l'exigeraient les besoins de l'équipage d'un navire Marchand.

9.—D'avoir à bord une quantité extraordinaire de ris ou de farinha (fleur de manhioc du Brésil ou de Cassada,) ou de mais, ou de blé des Indes, excédant la provision raisonnablement réquise pour la consommation de l'équipage, et lorsque ce ris, fleur, mais, ou blé des Indes, ne se trouverait pas annoncé sur le manifeste, comme faisant partie de la cargaison mercantile.

La preuve de l'une ou de quelques unes de ces indications sera considerée comme évidence, *primâ facie*, de son emploi actuel du Trafic des Esclaves, et à moins d'être réfutée par des preuves satisfaisantes, à fournir par le patron ou les propriétaires, que le vaisseau ou navire avait été légalement employé à un autre usage, au tems de sa détention ou capture, le vaisseau ou navire sera condamné là dessus et déclaré de bonne prise.

(*Sixth Inclosure in No.* 34.)

Annex No. 5. to the Protocol of 23d January.

THE aforesaid additional Article shall be submitted to the Ratification of the respective Sovereigns, and shall have the same force and effect as if it were inserted, word for word, in the Treaty of 4th May 1818, above-mentioned, and shall be held to form part of the same. The Acts of Ratification shall be exchanged within the space of one month from this date, or sooner, if possible.

In witness whereof the respective Plenipotentiaries have signed the present Act, and thereunto affixed the Seal of their Arms.

Done at Brussells, &c.

(*Seventh Inclosure in No.* 34.)

Annex, No. 6. to the Protocol of 23d January.

LE présent Article additionnel sera soumis à la Ratification des Souverains respectifs, et aura le même force et effet que s'il se trouvait inséré mot-à-mot dans le Traité du 4 Mai 1818, ci-dessus mentionné, et sera tenu comme en faisant partie.

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Les Actes de Ratification seront échangés dans l'espace d'un mois où plutôt si faire se peut.

En foi de quoi, &c.

Fait à Bruxelles, &c.

(Signé)

No. 35.

Mr. Secretary Canning to The Earl of Clancarty.

MY LORD, *Foreign Office, January 28, 1823.*

IN reference to that part of your Excellency's Correspondence which relates to the proposition which you had been instructed to make to the Netherlands Government, for the establishment of a Slave Registry in their Colonial Possessions in the West Indies,—I now forward to Your Excellency the copy of a Letter received from the Colonial Department, dated the 21st instant, together with it's several Inclosures, containing such information and details as appear most applicable towards enabling Your Excellency to follow up the proposition made to the Dutch Government, for the formation of a Colonial Slave Registry.

Should any further information be required, it will be furnished with readiness, upon an intimation to that effect from Your Excellency.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency The Earl of Clancarty, G. C. B.
&c. &c. &c.

No. 36.

The Earl of Clancarty to Mr. Secretary Canning.—(Received January 31.)

(Extract.) *Brussells, January 28, 1823.*

I HAVE the honour herewith to transmit a further additional Article to the Treaty between His Majesty and The King of the Netherlands, for the abolition of the Slave Trade, signed at the Hague 4th May 1818.

To this is added, the certified copy of the French counterpart, executed by the Plenipotentiaries for the use of this Court; and I inclose a copy of the Protocol of the Conference at which this matter was terminated.

I should hope the Article will meet with the approbation of my Government, and become effective by His Majesty's Ratification.

In substance, I flatter myself, it exactly coincides with the instructions I had received, and though there may be found some variance in the form, yet I can scarcely think that this will be deemed material.

The Right Hon. George Canning, (Signed) CLANCARTY.
&c. &c. &c.

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(Inclosure in No. 36.)

Protocol of the 25th of January 1823.

Hotel of the Minister for Foreign Affairs of His Majesty The King of the Netherlands, at Brussells.

Present, HIS EXCELLENCY MONSIEUR LE BARON DE NAGELL.
THE EARL OF CLANCARTY.

THE further additional Article, as agreed upon between Their Excellencies at the last Conference, having been fairly written out, final signature in both languages, as at that time directed, was read over and found correct.

The two Plenipotentiaries then agreed, each on the part of his respective Sovereign, that the Article then before them, when signed, should, nevertheless, be withheld from coming into operation till the lapse of five months from the date of the exchange of the Ratifications thereof, after which its stipulations should come into full force and effect.

With this understanding, Their Excellencies immediately signed and sealed two counterparts of the same, one in the English, and the other in the French language, and each undertook to procure to his counterpart the Ratification of his Government.

(Signed) CLANCARTY.
A. W. C. DE NAGELL.

No. 37.

The Earl of Clancarty to Mr. Secretary Canning.—(*Received February* 14.)

SIR, *Brussells, February* 11, 1823.

I RECEIVED your Despatch of the 31st ultimo, accompanied by His Majesty's Ratification of the Articles signed by the Baron de Nagell and me, on the 31st of December last, and also the form of a Certificate of the exchange of the said Ratifications, against those of this Government, on the evening of the 9th instant.

In obedience to the instructions therein contained, I this morning effected the exchange I was directed to make, and have now the honour herewith to transmit the Ratifications of His Majesty The King of the Netherlands to the said Articles.

I have also the honour to return the Certificate of the said exchange properly filled up, and duly executed by His Excellency The Baron de Nagell and by me.

The additional Document you will find likewise herewith, establishing the time when these Articles should come into full force and effect, Monsieur le Baron de Nagell was desirous of having signed and exchanged, more especially as nothing had been entered in the Protocols of our proceedings, in the negociation of these Articles, upon the subject.

As there appeared to me no objection to this course, I very willingly acceeded to his wishes, and His Excellency, therefore, has been furnished with a translated counterpart of that now transmitted, signed by me.

I have the honour, &c.

(Signed) CLANCARTY.

The Right Hon. George Canning.
&c. &c. &c.

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No 38.

Mr. Secretary Canning to The Earl of Clancarty.

MY LORD, *Foreign Office, February* 18, 1823.

I FURNISH to Your Excellency, herewith, the copies of two Despatches, and of their Inclosures, from His Majesty's Commissary Judge at Surinam, and the copy of a Communication from the Colonial Department here, the former dated the 24th and 28th of October 1822, and the latter the 7th of February 1823.

These Papers tend to shew that contraband importations of Slaves still continue to take place in the Colony of Surinam; they mention the name of one vessel, the *Hermaphrodite*, and the particulars of other vessels concerned in this illegal trade; and they give the details of a Case in which the crew and boat of an English vessel, the *Olive Branch*, were forced to assist in the contraband landing of Slaves at Surinam.

I have to desire that Your Excellency will communicate to the Netherlands Government such a portion of these Papers as you shall deem to be expedient for the purpose of establishing the facts. You will accompany the communication of these facts by an urgent call upon His Netherlands Majesty to take strenuous measures for the fulfilment of the Treaty on the Slave Trade, either by increasing His Netherlands Majesty's naval force on the Coast of Africa, or by directing His Colonial Authorities to make use of all the means in their power to repress these continued violations of His Majesty's orders. And you will take this opportunity of renewing your suggestion for the Registry of Slaves, the establishment of which measure would alone furnish the best chance of bringing such delinquents to justice.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency The Earl of Clancarty, G. C. B.
&c. &c. &c.

No. 39.

Mr. Secretary Canning to The Earl of Clancarty.

MY LORD, *Foreign Office, February* 18, 1823.

I FURNISH Your Excellency with an Extract of a Letter, dated the 24th December last, and its Inclosures, which I have received from Mr. Hesketh, His Majesty's Consul at Maranham, giving an account of a Dutch vessel, named the *Aurora*, which sailed from Maranham for Surinam in the month of December last, in company with the Portuguese vessel the *Mendengo*, and is suspected of being intended to be employed in landing Slaves clandestinely in Surinam.

Your Excellency will communicate these Papers to the Netherlands Government, and request them to send out to their Colonial Authorities, directions to take measures for preventing the intended infraction of the Treaty.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency The Earl of Clancarty, G. C. B.
&c. &c. &c.

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(*First Inclosure in No.* 39.)

Robert Hesketh, Esq. to Mr. Secretary Canning.

(Extract.) *Maranhao, December* 24, 1822.

I INCLOSE copies of Communications I have made to Barbadoes and Surinam, respecting a Dutch Schooner, called the *Aurora*, C. H. Andres, Master, the object of whose voyage to this Port I suspect to have been an illicit Traffick in Slaves, against which there are no effectual regulations in this Port.

(Signed) ROBERT HESKETH.

The Right Hon. George Canning,
&c. &c. &c.

(*Second Inclosure in No.* 39.)

The British Consul at Maranham to The Governor of Barbadoes.

SIR, *Maranhao, December* 11, 1822.

I HAVE the honour to transmit an Affidavit made by Robert Jackson, lately a seaman on board the Dutch schooner *Aurora*, C. H. Andres, Master, respecting the Aurora's intended voyage with Slaves to the Colony of Surinam.

The Aurora continues in this Port, and as I feel convinced, from every circumstance of the case, that it is the intention of the Parties concerned to attempt the illicit proceeding alluded to in the inclosed Affidavit, and that every preventive measure on the part of the Government of this Province can be easily evaded, I have thought it my duty to give Your Excellency this information.

I have sent Robert Jackson, the bearer hereof, as a supernumerary on board the British brig John, instructing John Foster, the Master, to report this supernumerary to Your Excellency on his arrival

It is impossible to ascertain how many days more the Aurora may yet remain in this Harbour; should the period of her detention extend to ten days further, there is every chance that she may be intercepted: however, as it is possible that she may sail before the expiration of ten days, I intend, in that event, to desire Thomas Wilson (the man mentioned in the Affidavit) to report himself personally, on his arrival at Surinam, to the Commissary, Edward Lefroy, Esq.; and I presume that Your Excellency will direct that this arrangement be communicated to the Commissary.

There is not at present any impediment against a Portuguese vessel with Slaves on board clearing from any Brazil Port for another western one, and afterwards proceeding beyond the Brazil Dominions and landing her cargo clandestinely; in fact, the probability is, that Slaves have been smuggled in this manner into the Colony of Surinam.

I have the honour to be, &c.

(Signed) ROBERT HESKETH.

His Excellency Sir Henry Warde, K. C. B.
Captain General and Governor of the
Leeward Islands, &c. &c. &c.

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(*Third Inclosure in No.* 39.)

Affidavit of Robert Jackson.

ROBERT JACKSON, a native of the County of Durham, in England, does make oath and declare, that he arrived at this Port on board a Dutch schooner belonging to Surinam, called the *Aurora*, C. H. Andres, Master, on board of which the Deponent was shipped at Surinam as a seaman, in the month of May last, and having gone in the vessel on a voyage to Martinique and back to Surinam, sailed again from Surinam about the middle of August last, bound to Martinique and Maranhao, and, after being at the former, arrived at this latter Port of Maranhao on or about the fifth of October last, with a cargo of sundry articles from Martinique: that no other part of the cargo has been landed here except coffee and rum, and that the schooner has continued in this Port, with three Custom-House Officers on board, to the present date. And this Deponent further declares that he was requested by C. H. Andres to leave the vessel, but that the Deponent could not get his wages settled, and was forced to make an application at the British Consul's Office for the purpose, at which Office, the Deponent declared, and now again repeats on his solemn oath, that Thomas Wilson, one of the crew of the Aurora, informed the Deponent, that the Master of the said schooner told him (the said Thomas Wilson) that he was waiting here for the arrival of a Slave vessel, from which Slaves were to be taken on board the schooner Aurora, and that the Master would then proceed with them in the schooner towards Surinam, and smuggle them into that Colony.

Sworn to in Maranhao, this tenth day of December 1822, before me,
ROBERT HESKETH,
His Britannick Majesty's Consul.

ROBERT JACKSON,
his ⋈ mark.

Witness (Signed) IGNACIO VIEGA.

Fourth Inclosure in No. 39.)

Description of the Schooner Aurora, *C. H. Andres, Master, annexed to the Affidavit made by Robert Jackson.*

A FORE top-sail schooner, about fifty or sixty tons; a great rake in her mainmast; mast heads white, and a new fore-sail; American, and very sharp built; no figure head; painted black, with one white streak; very low bulwarks, and a trunk reaching from the break of the deck right aft to the companion head; coppered; carries her boat on one side of the deck, and two small swivels on the tafferell.

(*Fifth Inclosure in No.* 39.)

His Majesty's Consul at Maranham to the British Commissary Judge at Surinam.

SIR, *Maranhao, December* 19, 1822.

I HAVE to acquaint you that a Dutch schooner, called the *Aurora*, C. H. Andres, Master, belonging to Surinam, arrived at this Port about the com-

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mencement of October last, and that on the 10th instant, Robert Jackson, one of the crew, made an Affidavit at this Office, a copy of which I transmit inclosed. As many circumstances induced me to suspect that the illicit proceedings alluded to in the Affidavit would be attempted, and easily carried into effect, I availed myself of an opportunity to send the Deponent to Barbadoes, with a Letter to His Excellency Sir Henry Warde, supposing that there was a chance of intercepting the Aurora, having been led to believe that she would continue in this port for some days longer.

I also intended to have induced another of the crew (Thomas Wilson,) to report himself to you on his arrival at Surinam:

But the Aurora sailed most unexpectedly, two days after the vessel by which I had written to Barbadoes, and this not only destroyed every chance of intercepting her, but also prevented my having an opportunity of speaking to Thomas Wilson, the person mentioned in the Affidavit.

However, as you may have it in your power (aided by the information which may be obtained from Robert Jackson,) to investigate the objects of the Aurora's voyage to this Port, I now acquaint you that she sailed on the 13th instant, in company with a Portuguese smack, rigged vessel, called the Mendengo.

The Aurora cleared out for Surinam, and had her hold filled up with American flour, (which she took in here,) and sundry articles brought from Martinique; and it does not appear that she had any Slaves on board, but I am informed that there were one hundred and eighty Slaves on board the Portuguese smack that sailed with her, and that she cleared out for Para.

There is every probability that Portuguese vessels have cleared out for Para from hence, and afterwards landed Slaves clandestinely in the Colony of Surinam, and this illicit proceeding cannot be prevented by the present regulations at this Port.

However, I have thought it my duty to give you this information, and to recapitulate to you the steps I have taken to intercept the Aurora, and though I fear that these steps are not likely to prove successful, still I presume that the information, if it should not reach you in sufficient time to detect the Parties, will, at all events, be in some measure instrumental in leading you to take such preventive measures against a repetition of this illegal proceeding as you may deem fit.

I have the honour to be, &c.

(Signed) ROBERT HESKETH.

C. E. Lefroy, Esq. &c. &c. &c. Surinam.

(Sixth Inclosure in No. 39.)

The British Consul at Maranham to the Governor of Demerara and Essequibo.

SIR, *Maranhao, December* 19, 1822.

THE inclosed Letter for the Commissary at Surinam, Edward Lefroy, Esq. contains important information connected with the duties of his Office. I feel solicitous for its safe and expeditious conveyance; and in thus taking the liberty of transmitting it to Your Excellency, I adopt the only satisfactory channel that offers for the communications I am making.

I have the honour to be, &c.

Signed ROBERT HESKETH.

His Excellency Major-General Murray,
Governor of Demerara and Essequibo,
&c. &c. &c.

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No. 40.

The Earl of Clancarty to Mr. Secretary Canning.—(Received March 8)

SIR, *Brussells, February 25, 1823.*

IN obedience to the instructions conveyed in your Despatch of the 18th instant, and, with its Inclosures, received here on the 21st, I have addressed the Notes, of which the inclosed are copies, to His Excellency M. Le Baron de Nagell.

The Papers conveyed to His Excellency, with the first Note, are those which accompanied your Despatch to me of the 28th of January last, for the information of this Government, with respect to the Acts and particular Forms under which the Registration of Slaves has been carried into effect by His Majesty's Government.

The continued indisposition of His Excellency M. Falck, the Colonial Minister, may possibly postpone the determination of this Government upon the suggestion made to them under your instructions, by my Note of 30th November last, (sent home in my Despatch of the 3d December,) for the adoption of Slave Registries.

I have the honour to be, &c.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

(*First Inclosure in No.* 40.)

The Earl of Clancarty to The Baron de Nagell.

Brussells, February 22, 1823.

THE Undersigned, &c. &c. has the honour to acquaint M. de Nagell that *Charles Beverley*, a Slave-trader, whose escape from prison in the Colony of Surinam, to which he had been committed as having effected a smuggling importation of Slaves, was notified in the Note addressed to M. de Nagell on the 30th of November last, has been again arrested and re-committed to gaol.

The British Government has, however, received information that it is not intended by the Authorities in that Settlement to proceed against him as a Slave-trader, though taken, as it were, in the very fact; the proofs against him are full and incontrovertible;—and why? Because, forsooth, he has, subsequently to the first seizure of himself and vessel by the Police Officers, obtained Papers from Martinique, asserting that the Negroes then imported were resident in that Island since September 1818—Papers which, if even the fact of such residence could justify the purchase and trade in any Slaves by Dutch subjects under the Treaty, M. de Nagell will not fail to consider could be furnished with equal facility, and with equal truth, so as to cover every importation of Slaves into Surinam; even those brought direct, or with very little deviation of course, immediately from the Coast of Africa.

But the Court of the Netherlands is fully aware that no residence therein, or any thing else, can justify or even palliate any act of Slave importation from any foreign Colony or Place whatsoever.

The strong assurances given to the Court of Great Britain, through the Undersigned, upon this subject, under the commands of His Netherlands Majesty, and more especially by M. de Nagell's Note of the 16th of January 1822, confirmed and still further strengthened at a Conference held with His Excellency The Minister of the Colonies on the 21st of March following,

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afford ample satisfaction as to the just construction placed by this Court on the very clear stipulations of the Treaty in this respect, and have confidently persuaded the British Government that, subsequently to the 1st of July 1821, it would have been impossible, after detection, for any Person with impunity to have effected such importation;

Nevertheless, the illicit import into Surinam, by Charles Beverley, now under consideration, was effected in the latter end of the month of March, or in the course of the month of April, 1822.

The bare statement of these dates, drawn as they are from positive depositions, the Undersigned is persuaded will be quite sufficient to elicit from this Government the most immediate and peremptory orders to the Authorities of Surinam, that the delinquent, Charles Beverley, shall be brought to justice for the foul offence of which he has been guilty; or if the penal Laws should not yet have been rendered sufficiently strong, adequately to punish his criminal violations of a most solemn Compact, the Undersigned, in the name of his Court, calls upon that of the Netherlands, under the first Article of the Treaty, to render them of sufficient force to repress the repetition of the evil. In the latter alternative, the Undersigned also reclaims the delivery up of the said Charles Beverley, as a British subject, to be dealt with under the British Laws for this offence; the case of Beverley being the same in principle as that which formed the interchange of Notes between the Undersigned and M. de Nagell, dated respectively the 26th of February and the 26th of March 1821.

The Undersigned further renews the request made to this Government in his Note of the 30th of November last, that the wretched Negroes who formed the importation made by Beverley, and who are twenty-two in number, may be taken into His Netherlands Majesty's service, and employed as servants or free labourers, under the humane principle of the Treaty between the Two Crowns.

The Undersigned has further received the commands of The King, His Master, again to impress upon His Majesty The King of the Netherlands, the great advantage which would result from the establishment of Slave Registries within the Colonies, as proposed by the Note above referred to, of the 30th of November last, upon this subject.

The Undersigned has received various Papers containing the original Orders in Council for the establishment of Registries, the Forms, and Colonial and Home Acts adopted by the British Government upon this subject, which he has now the honour to inclose for the information of this Court, and which would have already been transmitted, had it not been for the indisposition of His Excellency The Minister of the Colonies.

The Undersigned, &c.

(Signed) CLANCARTY.

His Excellency M. Le Baron de Nagell,
&c. &c. &c.

(Second Inclosure in No. 40.)

The Earl of Clancarty to M. Le Baron de Nagell.

Brussells, February 22, 1823.

The Undersigned, &c. &c., regrets the necessity under which he has received the commands of The King, His Master, again to address M. de Nagell upon the subject of the Slave Trade.

From information received by his Court, he has been directed to state, that contraband importations of Slaves still continue to take place in the Colony of Surinam.

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He has the honour herewith to inclose, for the information of this Government, the copy of a Deposition taken upon this subject in the Colony, and also the copies of two Letters, the last addressed to the Governor, from Captain Edwins Rich, of His Majesty's sloop of war the *Bustard*.

These papers give sufficient reason to fear that a vessel, named the *Hermaphrodite*, has succeeded in disembarking a very considerable number of Slaves at Surinam.

Upon receiving this information (the whole of which was imparted to him) the Governor immediately sent down a party of soldiers to the spot: the vessel had, however, disappeared before their arrival, but, from the appearance of a Negro encampment upon the shore, there seems to have been sufficient reason to apprehend that she had succeeded in disembarking her cargo. Exertions were made, and with the assistance of Heimraad, to discover and trace the Parties concerned in this transaction, and to gain information as to the Person or persons in whose power or custody the newly landed Negroes were; but these had proved ineffectual.

Whether the attempt of effecting a contraband landing of Slaves, recorded in the above information, was successful or not, this Government will not fail to deduce from it:

First, and principally, the necessity of adopting Slave Registries, from whence alone all illicit additions to the Slave population can be effectually detected.

Secondly, and more especially, till these Registries shall come into full operation, the policy of endeavouring to prevent all attempts to land cargoes of Negroes on the Coast, and stationing a sufficient number of ships of war upon the Coast, with orders to the Governor to employ them in watching the Coast, and in preventing all illicit debarkations of Slaves. Upon this last subject it appears, by the information received by the British Government, that, subsequently to the month of May last, no Dutch man of war has appeared upon the Surinam Station, and that His Excellency the Governor declares his utter inability to prevent the continuance of a clandestine Slave Trade without naval assistance.

From the great length of the Coast of Surinam, and the number of creeks distant from observation, it is indeed self-evident that till the establishment and full operation of Colonial Registries of Slaves, it would be impossible to prevent the clandestine introduction into that Colony, except by adequate naval means. And though such means, at the disposal of the former Governor, were unexercised by him, hopes are entertained that in the hands of M. de Veer, such essential aid may become effectual.

Another instance of a very considerable debarkation of Slaves on the Coast of Surinam, and the fact of which cannot be controverted, will appear from the inclosed copy of a Letter from the Lieutenant Governor of Berbice to Earl Bathurst, and the copy of the log-book of The United States ship *Olive Branch*, therewith conveyed: whence it will appear that, from the 15th to the 17th of November last, some five hundred new African Negroes were landed in that Colony.

The Undersigned is well assured that these facts will induce immediate and adequate exertions upon the part of this Government to obviate the evil. He has had the honour to suggest for the consideration, and as he hopes for the adoption of His Netherlands Majesty, the means by which it may be effectually prevented in future; and relying upon the sincere and strenuous co-operation of this Court with that of Great Britain, by the adoption of those measures which have from experience been found adequate to effect the object in view, he trusts that the Subjects of both may be absolutely deterred from taking any part hereafter in a trade which is a disgrace to all humanity.

He has the honour to be, &c.

His Excellency M. Le Baron de Nagell, &c. &c. &c. (Signed) CLANCARTY.

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No. 41.

The Earl of Clancarty to Mr. Secretary Canning.—(Received March 8.)

SIR, *Brussells, February 25, 1823.*

I HAD the honour of receiving your Despatch of the 18th instant, (with its Inclosures) on the 21st instant.

By this I am commanded to communicate the Papers therewith transmitted to the Netherlands Government, and to request them to send out to their Colonial Authorities, directions to take measures for preventing the intended infraction of the Treaty.

As the *Aurora* is stated in Mr. Hesketh's Letters to have sailed from Maranhao for Surinam on the 13th of December last, I should fear, no orders, however expeditiously forwarded from hence, could now reach Surinam in sufficient time to have any effect in impeding the object of that voyage, whether the suspicions entertained of it were correct or otherwise.

The Letter from Mr. Hesketh to the Commissary Judge at Surinam, dated 19th December 1822, it is, however, to be hoped, may have arrived at its destination early enough to warn the Colonial Authorities at that Settlement, and to induce them to adopt efficient measures to prevent any illicit debarkation of Negroes on the Coast, which might have been the intended purpose of that voyage.

The Note of which the accompanying Paper is a copy, has been addressed by me to M. Le Baron de Nagell upon this subject, in consequence of your Instructions, and with it were transmitted to His Excellency, copies of Mr. Hesketh's Letters conveyed to me in your Despatch.

I am, &c.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

(Inclosure in No. 41.)

The Earl of Clancarty to M. Le Baron de Nagell.

Brussells, February 23, 1823.

THE Undersigned, &c. &c. has the honour to state to His Excellency M. de Nagell, that he has received instructions to communicate the accompanying Papers, in which strong grounds of suspicion were conveyed that a Dutch schooner, the *Aurora*, C. H. Andres, Master, belonging to Surinam, has been, and probably is employed in smuggling Negroes into that Colony. The Undersigned is further instructed to request that such directions may be sent out by this Government to its Colonial Authorities as may induce a sufficient degree of vigilance over this vessel in particular, and also the adoption of all necessary measures for preventing any infraction or intended infraction of the Treaty.

The Undersigned, &c.

(Signed) CLANCARTY.

His Excellency M. Le Baron de Nagell,
&c. &c. &c.

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No. 42.

The Earl of Clancarty to Mr. Secretary Canning.—(*Received March* 8.)

SIR, *Brussells, February* 25, 1823.

HIS Majesty's Ratifications of the further additional Article to the Treaty of the 4th of May 1818, signed at Brussells on the 25th ult. arrived here on the 23d instant.

In pursuance of your Instructions I have this morning exchanged these Ratifications against those of The King of the Netherlands, which are herewith transmitted, together with the usual certificate of the said exchange having been duly made, signed and sealed by M. le Baron de Nagell and me, a duplicate of which was at the same time executed and delivered to His Excellency.

I have the honour to be, &c.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

No. 43.

The Earl of Clancarty to Mr. Secretary Canning.—(*Received March* 24.)

SIR, *Brussells, March* 21, 1823.

I HAVE the honour to refer you to my Despatch of the 25th of February last, and to the copy of the Note (therewith transmitted) addressed by me, under your instructions, to M. le Baron de Nagell on the 23d ult., respecting the suspicions entertained of the Dutch ship *Aurora*, C. H. Andres, Master, being engaged in an illicit Trade in Slaves between Brazil and Surinam.

The answer of the Netherlands Government to this Note was received by me on Wednesday evening last; a copy of it is herewith inclosed for your information, and it appears to me to afford all the assurance we could have expected in this instance.

I remain, &c.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

(*Inclosure in No.* 43.)

The Baron de Nagell to The Earl of Clancarty.

Bruxelles le 19 *Mars*, 1823.

LE Soussigné, &c. a eu soin de mettre sous les yeux du Roi, son Maître, les Documens que Son Excellence Le Comte de Clancarty, &c. lui avait fait l'honneur de lui communiquer le 23 Fevrier dernier, et suivant lesquels le navire *l'Aurore*, Capitaine C. H. Andres, est soupçonné de servir à introduire frauduleusement, d'un des Ports du Brésil, des Négres à Surinam; ainsi que la demande d'expédier à cette Colonie l'ordre de surveiller particulièrement le navire susdit et de prendre les mesures propres à prévenir la contrebande dont on le soupçonne.

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Le Soussigné vient d'être chargé d'informer Son Excellence Le Comte de Clancarty, que Le Roi, déférant à cette invitation, a autorisé le Ministre des Colonies d'enjoindre au Gouverneur de Surinam de faire du navire l'Aurore, l'objet d'une stricte surveillance.

(Signé) A. W. C. DE NAGELL.

Son Excellence Le Comte de Clancarty,
&c. &c. &c.

(Inclosure in No. 43.)

The Baron de Nagell to The Earl of Clancarty.

(Translation.) *Brussells, March* 19, 1823.

THE Undersigned, &e. has not failed to lay before The King, his Master, the Documents which His Excellency Lord Clancarty did him the honour to communicate to him on the 23d of February last, and according to which the ship *Aurora*, C. H. Andres, Master, is suspected of being engaged in fraudulently introducing Negroes from one of the Brazilian Ports into Surinam; and which contains a request that orders may be transmitted to that Colony for a watchful eye to be kept upon the above vessel, and that such measures be taken as shall prevent the contraband traffick of which she is suspected.

The Undersigned has been directed to inform His Excellency Lord Clancarty, that The King, complying with this request, has authorized the Colonial Minister to instruct the Governor of Surinam to cause the Aurora to be strictly watched.

(Signed) NAGELL.

His Excellency The Earl of Clancarty,
&c. &c. &c.

No. 44.

Mr. Secretary Canning to The Earl of Clancarty.

MY LORD, *Foreign Office, March* 25, 1823.

I INCLOSE to Your Excellency the copy of a Letter of the 23d of December 1822, from His Majesty's Commissary Judge at Surinam, stating that in the month of November last the American schooner *Olive Branch*, Captain Boyd, was forcibly employed in landing a cargo of five hundred African Slaves, about twenty miles to windward of Bram's Point, in the Colony of Surinam.

Your Excellency will have the goodness to communicate these facts to the Netherlands Government. It is hoped that such orders will be forthwith issued thereupon, to their Colonial Authorities, as the case appears to require, and as may prevent the recurrence of these flagrant infractions of the Treaty between the Two Countries.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency The Earl of Clancarty, G. C. B.
&c. &c. &c.

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No. 45.

The Earl of Clancarty to Mr. Secretary Canning.—(Received March 31.)

SIR, *Brussells, March* 28, 1823.

REFERRING you to my Despatch of the 3d of December last year, and to the copy of the Note, therewith inclosed, addressed by me to M. le Baron de Nagell on the 30th of November 1822, in obedience to your preceding instructions; I have now the honour to transmit, for your information, the copy of a Note from His Excellency, dated and received on the 26th instant, conveying a preliminary answer upon the subject of the communication made by me to this Government, in consequence of Mr. Lefroy's reports of September last from Surinam.

I have further, and in addition to the Papers above referred to, to solicit your attention to a Note addressed by me to M. le Baron de Nagell on the 22d of last month, a copy of which was transmitted for your information in my Despatch of the 25th of February of this year.

As arising out of these Documents, a second Note, dated the 26th instant, was received by me from His Excellency on that day.

This likewise is of a preliminary nature, referring to expected intelligence from Surinam, for the purpose of thereon founding a final answer.

The Paper herewith inclosed is a copy of this last Note.

I am, &c.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

(*First Inclosure in No.* 45.)

The Baron de Nagell to The Earl of Clancarty.

Bruxelles, le 26 Mars 1823.

LA Note que Son Excellence Le Comte de Clancarty, &c. a fait l'honneur d'adresser au Soussigné le 30 Novembre dernier, a été soumise de suite au Roi, et communiquée par ordre de Sa Majesté au Ministre des Colonies pour réquérir ses informations.

Cet Office coincide pour l'essentiel, avec les rapports du Gouverneur de Surinam, quant au trafiquant d'esclaves *Beverley*.

Seulement on devrait en inférer que le Fiscal aurait restitué, sous caution, les Nègres au Consignataire; tandis que par les rapports du Gouverneur De Veer, qui vont jusqu'au 30 Septembre 1822, mais qui n'ont été reçus ici qu'au mois de Fevrier dernier, le Fiscal doit avoir demandé un détachement pour aller au Plantage *Good Inters*, dans le district *Nickerie*, enlever ces Nègres qu'on présumait pouvoir s'y trouver. Ce détachement se rendit de suite à Nickerie: mais ici se terminent les rapports, ou proprement le journal du Gouverneur, et oblige d'en attendre la suite pour apprendre le résultat des perquisitions et si les Nègres ont pû être séquestrés ou non par le Fiscal.

Le journal du Gouverneur pour le dernier trimestre de 1822, donnera donc vraisemblablement des éclaircissemens à ce sujet: mais aussi jusqu'à cette époque, il est impossible de répondre positivement à cette partie de l'Office de Son Excellence Le Comte de Clancarty.

Il en est de même par rapport à la demande s'il y a eu d'autres sujets Anglais impliqués dans l'affaire de Beverley; le Ministre des Colonies doit

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attendre d'être instruit du résultat des procédures, qui se poursuivent contre le prénommé, les pièces mêmes du procès fourniront les renseignemens désirés par Son Excellence.

En attendant donc l'arrivée de toutes les informations ultérieures, concernant les divers objets de l'Office précité de Son Excellence, Le Soussigné a été chargé de lui communiquer provisoirement ces éclaircissemens en se référant d'ailleurs à la Note ci-jointe.

Il a, &c.

(Signé) A. W. C. DE NAGELL.

Son Excellence Le Comte de Clancarty,
&c. &c. &c.

(*First Inclosure in No.* 45.)

The Baron de Nagell to The Earl of Clancarty.

(Translation.) *Brussells, March* 26, 1823.

THE Note which His Excellency The Earl of Clancarty, &c. did The Undersigned the honour to address to him on the 30th of last November, was forthwith laid before The King, and communicated by His Majesty's command to the Minister of the Colonies to obtain the necessary information.

This Note corresponds in effect with the Reports of the Governor of Surinam respecting the Slave-dealer Beverley.

It can only be inferred from it that the Fiscal had restored the Negroes to the Consignee on security, whilst, by the Reports of the Governor De Veer, up to the 30th of September 1822, but which were not received here until the month of February last, the Fiscal had demanded a detachment to proceed to the Plantation *Good Inters*, in the district of *Nickerie*, and to bring away the Slaves which it was presumed might be found there. This detachment proceeded forthwith to *Nickerie*, but here the reports, or rather the journal, of the Governor, terminate, and oblige us to wait for further intelligence, to learn the result of the inquiry, and whether or not the Negroes could have been confiscated by the Fiscal.

The journal of the Governor for the last quarter of the year 1822, will probably throw some light on this subject; but until its arrival it is impossible to reply positively to that part of the Note of His Excellency The Earl of Clancarty.

It is equally impossible to reply to the question, whether there were any other British subjects implicated in the affair of Beverley: the Minister of the Colonies expects to be informed of the result of the proceedings which are in progress against Beverley; the documents of the process will furnish the information desired by His Excellency.

Whilst expecting the arrival of further information concerning the several subjects of the aforesaid Note of His Excellency, the Undersigned has been charged to communicate to him these explanations, referring him at the same time to the accompanying Note.

He has, &c.

(Signed) A. W. C. DE NAGELL.

His Excellency The Earl of Clancarty,
&c. &c. &c.

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(*Second Inclosure in No.* 45.)

The Baron de Nagell to The Earl of Clancarty.

Bruxelles, le 26 *Mars* 1823.

SON Excellence Le Comte de Clancarty, &c. &c. par la Note qu'il a fait l'honneur d'adresser au Soussigné le 22 Fevrier dernier, a communiqué la nouvelle arrestation de Charles Beverley, qui s'était évadé de sa prison à Surinam, et transmet les réprésentations du Gouvernement Anglais, contre l'intention présumée des Autorités Coloniales de ne pas poursuivre cet individu comme trafiquant d'Esclaves; réclame en ce cas son extradition comme sujet Anglais; demande l'affranchisement des Esclaves répris sur lui; et enfin en prend occasion pour insister du nouveau sur la nécessité de l'établissement de Régistres d'Esclaves, à l'instar de ceux adoptés par le Gouvernement Anglais, dont Son Excellence communique les règlemens.

Le Gouvernement des Pays-Bas n'a pu qu'apprendre avec satisfaction, la nouvelle preuve de vigilance déployée par le Gouverneur de Surinam, et que les mesures telles qu'il les avait mises en usage, avaient été suffisantes pour atteindre leur but. Mais il se voit obligé, d'ailleurs à se référer à l'Office de ce jour, dans lequel il lui communique que les rapports reçus du Gouverneur De Veer, ne vont que jusqu'au 30 Septembre 1822, et qu'aussi long-tems que des informations officielles ultérieures ne seront pas parvenues au Gouvernement des Pays-Bas, il lui est impossible de donner encore de réponse définitive, tant au sujet des poursuites contre Beverley, qu'à l'égard du récouvrement et de la destination de ses Nègres.

Cependant, d'après l'intérêt que le Gouvernement Anglais annonce prendre à l'affaire, Le Roi a ordonné d'anticiper à cet égard, sur la réception des rapports attendus; et d'en faire l'objet immédiat d'une correspondance avec le Gouvernement de la Colonie. Si contre toute attente et même toute probabilité, les informations réquises ici, pouvaient confirmer les présomptions que la fraude de Beverley resterait impunie, le Gouvernement Anglais peut être sur qu'il trouvera celui des Pays-Bas pleinement disposé à justifier par la promptitude et la nature de ses mesures, sa fidélité à maintenir ses engagemens avec l'Angleterre.

L'établissement des Régistres d'Esclaves à Surinam, récommandé par le Gouvernement Britannique, n'a pas moins fixé l'attention de Sa Majesté; et le Ministre des Colonies a été autorisé, en conséquence, de réquérir au plus tôt du Gouverneur et de la Cour de Police de Surinam, toutes les informations propres à éclairer et à diriger le Gouvernement dans ses délibérations sur cet objet, dont le résultat sera communiqué au Gouvernement Anglais.

Le Soussigné, &c.

(Signé) A. W. C. DE NAGELL.

Son Excellence Le Comte de Clancarty,
&c. &c. &c.

(*Second Inclosure in No.* 45.)

The Baron de Nagell to The Earl of Clancarty.

(Translation.) *Brussells, March* 26, 1823.

HIS Excellency The Earl of Clancarty, &c. &c. by the Note which he did the Undersigned the honour to address to him on the 22d of February last, communicated the re-arrest of Charles Beverley, who had escaped from prison at Surinam, and transmits the representations of the British Government, against the presumed intention of the Colonial Authorities not to proceed

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against that individual as a Slave-dealer; claiming in this case his delivery up as a British subject; demanding the liberation of the Slaves taken from him; and availing himself of the opportunity to insist anew upon the necessity of establishing Slave Registries, on the principle of those adopted by the British Government, of which His Excellency communicates the Regulations.

The Government of the Netherlands could not but learn with satisfaction, the new proof of vigilance displayed by the Governor of Surinam, and that the measures which had been adopted had been sufficient to attain their end. But it is obliged at the same time to refer to the Note of this day, in which it is stated that the Reports received from the Governor De Veer, go no farther than the 30th of September 1822, and that until further official information shall reach the Government of the Netherlands, it will be impossible for it to give any definitive answer, either on the subject of the proceedings against Beverley, or with regard to the recovery and destination of his Negroes.

However, in consequence of the interest which the British Government declares itself to take in this affair, The King has directed that it shall be proceeded in before the arrival of the expected Reports, and that it shall be made the immediate subject of a correspondence with the Government of the Colony. If, in spite of every hope, and even every probality, the information required here should confirm the presumption that the fraud of Beverley would pass unpunished; the British Government may rest assured that it will find that of the Netherlands fully disposed to prove, by the promptitude and the nature of its measures, its fidelity in maintaining its engagements with Great Britain.

The establishment of Slave Registries at Surinam, recommended by the British Government, has not less excited the attention of His Majesty; and the Minister of the Colonies has been authorized in consequence to require, as soon as possible, of the Governor and the Court of Police of Surinam, all the necessary informations to enlighten and direct the Government in its deliberations on this subject, the result of which shall be communicated to the British Government.

The Undersigned, &c.
(Signed) A. W. C. DE NAGELL.

His Excellency The Earl of Clancarty,
&c. &c. &c.

No. 46.

The Earl of Clancarty to Mr. Secretary Canning—(*Received April* 5.)

SIR, *Brussells, March* 31, 1823.

HEREWITH inclosed I have the honour to transmit, for your information, the copy of a Note, dated and received by me the day before yesterday, from M. le Baron de Nagell.

This Note, so far as it relates to an alledged disembarkation of Negroes on the Coast of Surinam, from the ship *Hermaphrodite*, and also to the application therein made for a Dutch Naval force to be sent to Surinam, is an answer to my Note of the 22d of February last, a copy of which was forwarded to you with my Despatch of the 25th ultimo.

Upon the first of these subjects this Court seems, from the report of their Governor of Surinam, to draw the conclusion, that though an illicit attempt to introduce Slaves into that Colony, from the Hermaphrodite might have been made, yet that it had altogether proved abortive.

Between the evidence stated in M. de Nagell's Note as received from the Governor, and the facts connected with this case, as conveyed by Mr. Lefroy's Despatch to Mr. Planta of the 24th of October 1822, there appears to be no

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essential variance; and though from these it might on the one hand, be too much absolutely to conclude, that the negative proof was completely established; yet on the other hand, there certainly exists no evidence hitherto furnished by which any introduction of Slaves from the Hermaphrodite can be assumed as proved. The main fact is still doubtful.

Two advantages, however, have proceeded from this case, the one, that it has additionally furnished a potent argument in favour of Colonial Registries, the other, that the conduct of the Governor of Surinam seems to have been marked with all the zeal upon this occasion, which the circumstances would admit, or which could have been reasonably expected.

Upon the second part of M. de Nagell's Note, it seems that there is a thorough agreement with us, in the necessity of having a Dutch Naval Force stationed at Surinam; that the temporary absence of such Naval force was merely accidental, and that means had already been taken to supply this defect.

Upon the whole, I am inclined to look upon this, in conjunction with His Excellency's two Notes of the 26th instant, copies of which were forwarded in my Despatch of the 28th, as far as they proceed, with satisfaction; because they seem to me, to indicate an increasing desire upon the part of this Government loyally to co-operate in the execution of their Treaty with us.

I remain, &c.

(Signed) CLANCARTY.

The Right Hon. George Canning.
&c. &c. &c.

(*Inclosure in No. 46.*)

The Baron de Nagell to The Earl of Clancarty.

Bruxelles, le 29 Mars 1823.

LE Roi, sous les yeux duquel le Soussigné avait placé la Note que Son Excellence le Comte de Clancarty, &c. &c. lui a fait l'honneur de lui adresser le 22 Fevrier dernier, en a fait de suite donner communication au Ministre des Colonies, et requis son rapport au sujet des plaintes, que cet Office renouvelle contre le Trafic illicite des Esclaves à Surinam.

L'Office de Son Excellence transmettait divers Documens destinés à constater l'existence de ce trafic, et rélevait l'impossibilité de s'y opposer à moins de l'envoi d'une force navale, et de l'établissement de Registres d'Esclaves.

Le débarquement supposé d'un certain nombre d'Esclaves par le Navire l'*Hermaphrodite*, est le fait le plus positif que la Note articule; c'est aussi le seul sur lequel le Gouverneur *De Veer*, dans sa depêche du 31 d'Octobre de l'année passée (mais qui n'a été reçue qu'au mois de Fevrier dernier) fournisse quelques informations. Jusques ici le Ministre des Colonies n'a aucune connoissance des autres inculpations; et dans l'attente des lumières que les rapports ultérieures attendus de Surinam pourront donner sur elles, c'est donc à ce fait unique qu'il s'est vu obligé de se restreindre.

Selon la depêche précitée du Gouverneur De Veer, au commencement du mois d'Octobre dernier, un bric de Guerre Anglais fut signalé à l'embouchure de la riviere de Surinam: le 8 du même mois, le Sieur Lefroy, Juge en la Cour Mixte, accompagné du Commandant du bric, se rendit auprès du Gouverneur, et lui donna connoissance par écrit des motifs qui faisaient soupçonner qu'un batiment sous Pavillon Français, ancré à la hauteur de la crique Warappa, aurait l'intention de débarquer frauduleusement des Nègres.

Le Gouverneur envoya sans delai un détachement sur les lieux, avec ordre de s'opposer à tout débarquement, et, supposé qu'il s'en fut deja effectué avant son arrivée, d'aller à la recherche, et dans tous les cas de ne revenir qu'après s'être assuré du depart du navire suspect.

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Le rapport de l'Officier Commandant fut, que sa course avait été infructueuse, qu'il n'avait rien découvert, que les patrouilles le long de la Côte entre Warappa et Matopicca n'avoient trouvé que quelques vestiges d'une espèce de campement, au sujet desquels ni les perquisitions ouvertes, ni les informations récueillies sous main, auprès de quelques Nègres des Plantations du Voisinage, dans l'espérance que ceux-ci seraient le plus en état et le mieux disposés à faire des révélations, avaient abouti à rien. Le Gouverneur De Veer, n'en avait pas moins cru devoir communiquer ces details et ces présomptions aux Autorités des endroits designés, avec ordre de renouveller les perquisitions dans tout le district, mais le resultat en avait été également infructueux et tous les renseignemens donnés furent reconnus inexacts. Le Gouverneur en informa par écrit le Juge Lefroy, en lui exprimant sa satisfaction que les soupçons ne se fussent pas réalisés, mais que c'etait un nouvel avertissement du peu de fond qu'il y avait à faire sur les informations reçues.

L'activité et le zéle du Gouverneur ont remplis les ordres réiterés du Roi, de s'opposer avec toute l'énergie possible au Trafic des Esclaves, lui ont merité les éloges du Gouvernement Anglais. Et il n'y a aucun lieu de douter, qu'il n'approfondisse, avec le même soin les autres présomptions mentionnées dans l'Office de Son Excellence le Comte de Clancarty.

Quant aux deux moyens de repression proposés dans cet Office, le Soussigné se permettra de se referer à sa Note du 26 de ce mois pour ce qui régarde l'établissement de Registres d'Esclaves, et se bornera ici à l'article de la necessité d'une force navale.

Il peut avoir l'honneur de communiquer à Son Excellence que l'envoi d'un batiment armé dans ces parages a dejà été prescrit il y'a longtems, et sans l'accident arrivé au bric *De Merkuur*, qui a été jeté à la côte à Curaçao, le bric *De Zwalurr*, aurait pu remplir pleinement sa destination primitive pour Surinam, mais quoi qu'il en soit, par le depart du bric *De Eendragt*, et l'envoi d'hommes pour le complettement de l'équipage du bric *De Kemphaan*, tous les obstacles qui ont empêché le batiment, de Zwalurr, de se rendre à Surinam doivent avoir été levés, et le Gouverneur De Veer se trouvera en état d'opposer la surveillance maritime desirée aux tentatives frauduleuses, contre lesquelles le Gouvernement Anglais a cru devoir appeler de nouveau l'attention du Gouvernement des Pays-Bas.

Le Soussigné, &c. &c.

(Signé) A. W. C. DE NAGELL.

Son Excellence Le Comte de Clancarty,
&c. &c. &c.

(Inclosure in No. 46.)

The Baron de Nagell to The Earl of Clancarty.

(Translation.) *Brussells, March* 29, 1823.

THE KING, to whom the Undersigned submitted the Note which His Excellency The Earl of Clancarty, &c. &c. did him the honour of addressing to him on the 22d of February last, ordered it to be forthwith communicated to the Minister for the Colonies, for his Report respecting the renewed complaints against the illicit Traffick in Slaves at Surinam, contained in that official Paper.

His Excelleney's Note transmitted various Documents to prove the existence of the traffick, and stated the impossibility of opposing it, effectually, except by sending a naval force, and establishing Registries for Slaves.

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The supposed landing of a certain number of Slaves from the ship *l'Hermaphrodite* is the most positive fact particularized in the Note; it is likewise the only one upon which the Governor De Veer in his Despatch of the 31st of October of last year (but which was only received in the month of February last) furnishes any intelligence. Up to the present time the Minister for the Colonies has no knowledge of the other subjects of complaint, and waiting for the information which ulterior reports expected from Surinam upon those matters may supply, he is for the present obliged to confine himself solely to the above case.

According to the Despatch of the Governor De Veer, above referred to, at the beginning of last October, signals were made at the mouth of the river of Surinam, of an English brig of war being in sight:—on the 8th of the same month, Mr. Lefroy, Judge in the Mixed Court, accompanied by the Commander of the brig, waited on the Governor, and informed him, in writing, of the reasons which led them to suspect that a vessel under French Colours was anchored off the creek Warappa, with the intention of landing Negroes fraudulently.

The Governor sent, without delay, a detachment to the spot, with orders to oppose any landing, and in case a landing should have been effected previous to its arrival, to go on the look out, and at all events not to return until it was ascertained that the suspected vessel had departed.

The report of the Commanding Officer was, that his expedition had been unsuccessful; that he had made no discovery; that the Patroles stationed along the Coast between Warappa and Matopicca had only found some vestiges of a sort of encampment, respecting which, neither the publick enquiries, nor the private information which had been secretly collected from several Negroes belonging to the neighbouring Plantations, in the hope that these latter would be more able and more disposed to make discoveries, had been of any avail.

The Governor De Veer had, nevertheless, thought it his duty to communicate these details and these surmises to the Authorities of the Places described, with orders to renew the researches throughout the district, but the result had been equally fruitless, and all the information given was found to be incorrect.

The Governor acquainted Judge Lefroy of this, by Letter, expressing his satisfaction that the suspicions had not been realized, but that it was an additional proof of the little reliance which could be placed on the informations received.

The activity and the zeal of the Governor have fulfilled the reiterated commands of The King to oppose the Slave Trade with all his energy; and have merited the approbation of the British Government. And there is not the least room to doubt that he will examine with equal care the other causes of suspicion mentioned in the official Note of His Excelleney the Earl of Clancarty.

With regard to the two modes of repression therein proposed, the Undersigned begs leave to refer to his Note of the 26th instant, as far as relates to the establishing of Registries for Slaves, and will confine himself to the article of the necessity of a naval force. He has the honour to inform His Excellency that it has long since been determined upon to send an armed vessel into those latitudes, and but for the accident which befell the brig, de Merkuur, which was wrecked on the Coast of Curaçao, the brig, de Zwalurr, would have reached its original destination, Surinam; but at all events, by the sailing of the brig, Eendragt, and the draft of men to complete the crew of the brig, de Kemphaan, all the obstacles which have prevented the ship, de Zwalurr, from sailing for Surinam will have been removed, and the Governor De Veer will find himself in a situation to oppose the maritime check required, to the fraudulent

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attempts, against which the English Government has again thought it right to call the attention of the Government of the Netherlands.

The Undersigned, &c. &c.

(Signed) A. W. C. DE NAGELL.

His Excellency The Earl of Clancarty,
&c. &c. &c.

No. 47.

The Earl of Clancarty to Mr. Secretary Canning.—(Received April 7.)

(Extract.) *Brussells, April 4, 1823.*

I HAD yesterday the honour of receiving your Despatch of the 25th of March, with its Inclosures.

The only new fact which the Inclosures in that Despatch contain, is, that the landing of the Slaves was effected upon a particular point of the coast, viz. about twenty miles to the Westward of Bram's Point.

In the Note which I have addressed to M. de Nagell upon this subject, (a copy of which is herewith inclosed), I have pointed out the additional fact, and endeavoured to press the whole of this subject, already under their consideration, upon the serious attention of this Court.

I remain, &c.

The Right Hon. George Canning. (Signed) CLANCARTY.
&c. &c. &c.

(Inclosure in No. 47.)

The Earl of Clancarty to The Baron de Nagell.

Brussells, April 3, 1823.

THE Undersigned, &c. &c. has the honour to refer M. de Nagell to the latter part of a Note addressed to His Excellency by the Undersigned, upon 22d February last, and to the two Inclosures therewith transmitted, respecting the debarkation of about five hundred new African Negroes in the month of November last, in the Colony of Surinam. The accompanying copies of Letters upon this subject have subsequently been received by His Majesty's Government from the British Commissary Judge at that Settlement; and the Undersigned has received the commands of The King, his Master, to communicate the facts therein conveyed to the Netherlands Government, as serving to confirm the contents of the Inclosures transmitted in the Note above referred to, with the additional information, that the debarkation of these new African Negroes upon the Coast of Surinam, was effected about twenty miles to the Westward of Bram's Point.

As the facts of this case are incontrovertible, the Undersigned has been instructed to press it most seriously upon the attention and immediate exertion of this Government; to express the anxious hopes of that of Great Britain, that such orders will be issued thereupon to the Netherlands Colonial Authorities, as the case appears to require, and as may prevent the recurrence of such infractions of the Treaty between the two Countries; and he has further to request the attention of this Court to the reference made in both his Notes of the 22d February last, to the establishment of Colonial Registries, as a measure by which, in conjunction with the strenuous efforts of the Government, and of their Authorities in their Settlements, effectual advantage may be derived in putting down this execrable traffick.

The Undersigned, &c. &c.

His Excellency M. le Baron de Nagell, (Signed) CLANCARTY.
&c. &c. &c.

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No. 48.

The Earl of Clancarty to Mr. Secretary Canning.—(*Received April* 10.)

(Extract.) *Brussells, April* 8, 1823.

I SEND herewith, for your information, the copy of a Note received by me on Saturday last from M. le Baron de Nagell.

(Signed) CLANCARTY.

The Right Hon. George Canning,
&c. &c. &c.

(Inclosure in No. 48.)

The Baron de Nagell to The Earl of Clancarty.

Bruxelles, le 5 *Avril* 1823.

Le 19 Mars dernier, le Soussigné a eu l'honneur d'informer Son Excellence le Comte de Clancarty, &c. que Le Roi, déférant à l'invitation du Gouvernement Anglois, venait de faire recommander par le Ministre des Colonies, au Gouverneur De Veer à Surinam la surveillance particulière du navire *l'Aurore*, Capitaine C. H. Andres, Maître, soupçonné de vouloir introduire frauduleusement des Esclaves dans cette Colonie.

Par les depêches de ce Gouverneur, en date du 15 Janvier 1823, reçues dans l'intervalle, il avait deja prévenir à cet égard les ordres de Sa Majesté.

Il y fait rapport que le Sieur Lefroy, Juge Anglois en la Cour Mixte à Surinam, lui avait donné connoissance par écrit que, selon des avertissemens dignes de foi, mais dont il ne lui était pas permis de revéler la source, le Capitaine Andres, pendant sa relache à Maranham, aurait annoncé l'intention d'attendre dans ce Port un navire Négrier Portugais dont il transporteroit à son bord des Esclaves pour les introduire en fraude à Surinam.

Qu'il fit reponse au Juge, que bien que des informations anonymes, et des discours du Capitaine Andres à un tiers, ne fussent pas des preuves demonstratives; neanmoins la nature de ces inculpations, était trop grave pour ne pas engager à prendre les plus rigoreuses précautions:—qu'à cet effet, il avait de suite transmis au Fiscal, copie de la Lettre du Sieur Lefroy, ainsi que d'une Proclamation antérieure de la Cour de Police de Demerary, y annexée, laquelle promettait 500 livres sterlings, de récompense aux dénonciateurs de ces sortes de tentatives; autorisant le Fiscal à instituer les perquisitions les plus exactes pour parvenir à la découverte, la conviction et le chatiment des infracteurs de la Loi contre ce barbare trafic;—et pressa le Sieur Lefroy de le mettre en état de procurer au Fiscal des renseignemens propres à seconder ses enquêtes.

Son Excellence Le Comte de Clancarty est invité à vouloir bien communiquer à son Gouvernement cette nouvelle preuve du zéle du Gouverneur De Veer qui, sans s'arrêter à l'absence de preuves dans les informations du Sieur Lefroy, avait rempli spontanément les instructions, et ses ordres itératifs du Roi, de surveiller énergiquement le Trafic des Esclaves dans la Colonie de son ressort.

Le Soussigné, &c.

(Signé) A. W. C. DE NAGELL.

Son Excellence Le Comte de Clancarty,
&c. &c. &c.

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(*Inclosure in No.* 48.)

The Baron de Nagell to The Earl of Clancarty.

(Translation.) *Brussells, April* 5, 1823.

ON the 19th March last, the Undersigned had the honour to inform His Excellency The Earl of Clancarty, &c., that The King, in deference to the invitation of the English Government, had directed His Minister for the Colonies to instruct the Governor De Veer, at Surinam, to watch narrowly the ship *l'Aurore*, Captain C. H. Andres, Master, suspected of intending to introduce Slaves fraudulently into that Colony.

It appears by Despatches from that Officer, dated the 15th January 1823, received in the interval, that he had anticipated His Majesty's commands in that respect.

He reports therein that Mr. Lefroy, English Judge in the Mixed Court at Surinam, had represented to him, in writing, that, according to information worthy of credit, but the source of which he was not permitted to make known, Captain Andres during his touching at Maranham, had declared his intention of waiting at that Port the arrival of a Portuguese Slave-ship, in order to take some Slaves on board his vessel, for the purpose of landing them fraudulently at Surinam.

That in reply, he informed the Judge that, although anonymous informations, and the discourse of Captain Andres to a third person, did not constitute positive proofs; still the nature of the accusation was too serious not to induce him to adopt the most vigorous precautions: that with this view, he had forthwith transmitted to the Fiscal a copy of Mr. Lefroy's Letter, as well as of a prior Proclamation of the Police Court of Demerary, promising a reward of five hundred pounds sterling to persons giving information of similar attempts; empowering the Fiscal to institue the most minute inquiry for the purpose of discovering, convicting and punishing the persons guilty of infringing the Law against so barbarous a traffick:—he also urged Mr. Lefroy to furnish him with data which might assist the Fiscal in his investigation.

His Excellency The Earl of Clancarty is requested to have the goodness to communicate to his Government this fresh proof of the zeal of the Governor De Veer, who, notwithstanding the want of proof in the information of Mr. Lefroy, had spontaneously fulfilled the instructions and the repeated commands of The King, diligently and narrowly to watch the Traffick in Slaves within the Colony under his control.

The Undersigned, &c.

(Signed) A. W. C. DE NAGELL.

His Excellency The Earl of Clancarty,
&c. &c. &c.

No. 49.

Mr. Secretary Canning to The Lords Commissioners of the Admiralty.

MY LORDS, *Foreign Office, April* 19, 1823.

IN reference to the Letter addressed by the late Marquess of Londonderry to Your Lordships on the 19th of February 1819, inclosing copies of certain Treaties entered into with Foreign Powers for preventing illegal Slave Trade; I furnish Your Lordships with fifty copies of Articles signed at Brussells, December 31, 1822, and January 25, 1823, explanatory of and addi-

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tional to the Treaty concluded at The Hague, May 4, 1818, between His Majesty and The King of the Netherlands for the prevention of that traffick.

I am to signify to Your Lordships The King's commands, that you do issue to the Officers commanding His Majesty's ships and vessels, such Instructions, in conformity with the purport of these Articles, as shall be judged necessary for more effectually carrying into execution His Majesty's intentions in the stipulations therein recorded.

I have the honour to be, &c.
(Signed) GEORGE CANNING.

The Lords Commissioners of the Admiralty.
&c. &c. &c.

No. 50.

Lord Francis Conyngham to Robert Wilmot, Esq.

SIR, *Foreign Office, April*, 19, 1823.

IN reference to the Letter from this Department of the 19th of February 1819, inclosing, for the information of Earl Bathurst, copies of the Treaties entered into with Foreign Powers for preventing illegal Slave Trade:—I am directed by Mr. Secretary Canning to send to you the ten copies accompanying this Letter, of Articles signed at Brussells, December 31st 1822, and January the 25th 1823, explanatory of and additional to the Treaty concluded at the Hague, May the 4th 1818, between His Majesty and The King of the Netherlands, for the prevention of that traffick.

I am to request that you will submit to Earl Bathurst the propriety of communicating these Articles to the Colonial Authorities at Sierra Leone, and in the neighbourhood of Surinam.

I am, &c.
(Signed) FRANCIS CONYNGHAM.

Robert Wilmot, Esq.
&c. &c. &c.

No. 51.

J. W. Croker, Esq. to Lord Francis Conyngham.

MY LORD, *Admiralty Office, April* 21, 1823.

IN reference to Mr. Secretary Canning's Letter to my Lords Commissioners of the Admiralty of the 19th instant, transmitting copies of some explanatory and additional Articles to the Treaty concluded with The King of the Netherlands on the 4th of May 1818, for the prevention of the Traffick in Slaves, I am commanded by my Lords to acquaint you, for the information of Mr. Canning, that their Lordships have instructed the Commanding Officer of His Majesty's ships on the Coast of Africa, to observe and carry into effect, so far as depends upon him, the stipulations contained in those Articles, and to give corresponding instructions to the Commanders of the vessels under his orders; and that Their Lordships have also directed the vessels, upon other Stations, which, under the Treaty of the 4th of May 1818, are furnished with the Instructions relative to vessels engaged in a Traffick in Slaves under the Dutch flag, to be supplied with copies of the additional Articles for their information and guidance.

I am, &c.
(Signed) J. W. CROKER.

Lord Francis Conyngham,
&c. &c. &c.

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SPAIN.

No. 1.

Lionel Hervey, Esq. to The Marquess of Londonderry. — (Received April 21.)

My Lord, Madrid, April 4, 1822.

WITH reference to Your Lordship's Despatch of the 10th ultimo, directing me to make application to the Spanish Government to forward such Instructions to the Captains of the Spanish Navy as may enable them to stop all ships engaged in the Slave Trade; I have to state that, having spoken to M. Martinez de la Rosa, he desired that I would address him a Note upon the subject, of which the inclosed is a copy.

He told me last Saturday that he had referred my Note to the Minister of Marine, and that he hoped to be soon able to return me a satisfactory answer.

I have the honour, &c.

(Signed) LIONEL HERVEY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(*Inclosure in No.* 1.)

Lionel Hervey, Esq. to Don F. Martinez de la Rosa.

Sir, Madrid, March 12, 1822

I HAVE received instructions from my Government to express the satisfaction with which His Britannick Majesty has learnt, that the Spanish Commissioners at the Havannah have received Orders from their Government to carry punctually into effect, in all their proceedings, the stipulations of the Slave Trade Abolition Treaty; and that circular orders to the same effect have been received by the Captain-General. the Admiral, and the Intendants, with directions to communicate the same to the several branches of their respective Departments.

As, however, His Britannick Majesty's Government have reason to believe that the several Spanish vessels of war, cruizing in those seas, are not furnished with the Special Instructions annexed to the Slave Trade Treaty, to enable them to detain Slave-ships, agreeably to the stipulations of the Treaty; I am directed to suggest to Your Excellency the expediency of providing the Commanders of these vessels with such Instructions forthwith, in order to insure the execution of this important duty.

I trust that Your Excellency will lend us your good offices in the attainment of this object, and avail myself, &c.

Don F. Martinez de la Rosa, (Signed) LIONEL HERVEY.
&c. &c. &c.

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No. 2.

Lionel Hervey, Esq. to The Marquess of Londonderry.—(Received May 26.)

(Extract.) Aranjeuz, May 12, 1822.

As soon as I had received the Regulations for the Mixed Commissions, I lost no time in drawing M. Martinez de la Rosa's attention to the suggestion contained in Your Lordship's Despatch of the 22d February,* as to the expediency of extending the Provisions of the thirteenth Article of those Regulations, to the *vacancies* occasioned by any other cause than death. His Excellency, at the time, did not start any objection to the proposed extension, but said that he would advise with his Colleagues upon the measure; expressing, however, a wish that the Commission should be removed from Sierra Leone without delay, as the Place was so unhealthy that the Spanish Commissioners could not be persuaded to remain there.

When I saw M. Martinez de la Rosa at Madrid, yesterday, he requested me to put my application upon paper. I propose accordingly to address a Note to His Excellency upon the subject.

(Signed) LIONEL HERVEY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

* See Netherlands, No. 1.

No. 3.

Lionel Hervey, Esq. to The Marquess of Londonderry. — (Received June 2.)

(Extract.) Madrid, May 20, 1822.

I have the honour to inclose, for Your Lordship's information, a translation of a Note, which I have lately received from His Excellency M. Martinez de la Rosa, dated the 10th May, by which I am requested to inform His Majesty's Government, that orders have been already given to furnish all Captains of Spanish vessels of war with a copy of the printed Instructions annexed to the Slave Trade Treaty.

(Signed) LIONEL HERVEY.

The Marquess of Londonderry, K. G,
&c. &c. &c.

(*Inclosure in No.* 3.)

Don F. Martinez de la Rosa to Lionel Hervey, Esq.

(Translation.)

SIR, Palace, May 10, 1822.

I HAVE the honour to inform you, and to request that you will be pleased to communicate to the British Government, that, on the 6th instant, the Minister of Marine, transmitted to the Admiral and Commandant of the Dock Yard at the Havannah, the order for providing the Captains of the Spanish vessels of war cruizing off the Barlovento Islands, with the Instructions annexed to the Treaty for the abolition of the Slave Trade, and for instructing them to observe, most punctually, all the stipulations of the said Treaty.

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Having thus replied satisfactorily to the Note which you were pleased to address to me upon this subject on the 12th of March last, it only remains for me to renew to you the assurances, &c. &c.

(Signed) FRANCISCO MARTINEZ DE LA ROSA.

Lionel Hervey, Esq.
&c. &c. &c.

No. 4.

Lionel Hervey, Esq. to The Marquess of Londonderry.—(Received June 27.)

(Extract.) Madrid, June 11, 1822.

I HAVE the honour to inclose, for Your Lordship's information, a copy of my Note to M. Martinez de la Rosa, respecting the illegal renewal of the Old Royal *Licences* for Slave ships, by Spanish Colonial Authorities, together with a translation of His Excellency's Answer, which is of a very satisfactory nature.

(Signed) LIONEL HERVEY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(*First Inclosure in No.* 4.)

Lionel Hervey, Esq. to Don F. Martinez de la Rosa.

Madrid, May 24, 1822.

THE Undersigned, &c. has received instructions from his Court, to call the attention of His Catholick Majesty's Government to a very considerable abuse practised by the Colonial Authorities of Spain, with respect to Passports formerly granted by the Spanish Government, for carrying on the Slave Trade, previous to its entire abolition by that Power.

This abuse consists, as will appear by the annexed Inclosures, in the renewal of the Royal Passports of the legitimate traffick, for fresh voyages, by means of Notes or Memoranda, indorsed or subjoined, bearing the signature of the Local Authorities, and assigning some colourable pretext for the assent of these Authorities to this evasion of the Engagements of their Sovereign.

The Undersigned is fully convinced, that he has only to make known to the Ministers of His Catholick Majesty the abuses which thus exist, in order to induce them to issue immediate and positive Orders to their Colonial Authorities, to discontinue a practice which, if persevered in, would render ineffectual the fulfilment, with the greatest good faith by the Mother Country, of the stipulations into which She has entered with Great Britain, for the complete abolition of the Slave Trade at the period fixed by the Treaty of 1817.

The Undersigned, &c.

Don F. Martinez de la Rosa, (Signed) LIONEL HERVEY.
&c. &c. &c.

(*Second Inclosure in No.* 4.)

Don F. Martinez de la Rosa to Lionel Hervey, Esq.

(Translation.)

SIR, Palace, June 3, 1822.

I HAVE received the Note which you were pleased to address to me

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on the 2 1th of last May, complaining of an abuse on the part of the Authorities in the Island of Cuba, in renewing, by means of marginal notes, on different pretexts, the Old Royal Licences for carrying on the Slave Trade.

The King, to whom I have had the honour of submitting this reclamation of the British Government, desirous of fulfilling most scrupulously all the stipulations of the Treaty for the abolition of the Slave Trade, has commanded me to send out (as I have done this very day,) the most positive orders for preventing any repetition of similar abuses, and for examining most severely into the conduct of any Persons who may in future be found guilty of such criminal proceedings.

I have, &c.

(Signed) FRANCISCO MARTINEZ DE LA ROSA.

Lionel Hervey, Esq.
&c. &c. &c.

No. 5.

Lionel Hervey, Esq. to The Marquess of Londonderry.—(Received June 27.)

(Extract.) Madrid, June 13, 1822.

I HAVE the honour to inclose the copy of a Note which I addressed to M. Martinez de la Rosa, on the 11th of last month, together with His Excellency's Answer.

As soon as I received this Note, I drew up a Declaration, of which the inclosed is a copy, and proposed it to him, the day before yesterday, for his signature. His Excellency made no objection to the wording of the Declaration, but observed that, by an Article of the Constitution, it was indispensably necessary to consult the Council of State, before any additional Article could be affixed to a Treaty, or any alteration made in any of its stipulations.

I replied, that this Declaration only went to the explanation of an Article which had been imperfectly drawn up, and could not be considered as an alteration of, or addition to, the Treaty, but as I found His Excellency still averse to the measure of signing the Declaration, and as he suggested that every object in contemplation would be accomplished by transmitting the Declaration, as I had drawn it up, but without signature, for the guidance of the Mixed Commissions, I did not press the proposition further, but consented to the alternative of inclosing the Declaration to His Excellency in an Official Note, which he promised to answer in such terms as he thought would prove satisfactory to my Government. I accordingly presented a Note yesterday, of which the inclosed is a copy, and I hope to receive the Reply in a few days.

(Signed) LIONEL HERVEY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(*First Inclosure in No. 5.*)

Lionel Hervey, Esq. to Don F. Martinez de la Rosa.

SIR, Madrid, May 11, 1822.

IT having appeared to my Government, by a reference to the Treaty

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for preventing illegal Traffick in Slaves, signed between the Court of St. James and the Court of Madrid, on the 23d September 1817, that no provision is made for supplying, temporarily, the vacancies occurring in the Mixed Commissions from any other cause than death,—as it has already happened at Sierra Leone, and as it may probably happen elsewhere, that a Commissioner from illness is unable to perform his functions,—I have received instructions to suggest to the Government of His Catholick Majesty, the expediency of extending those provisions of the Treaty which apply to the temporary vacancy, occasioned by the death of one or more of the Commissioners, to the cases of absence from illness, or by the permission, regularly notified, of their respective Governments. By the provisions of the Treaty the disadvantage, if any should arise, will always fall on the Contracting Party who neglects or delays to supply the vacancy; and while a sufficient guard is thus placed against the abuse of this extension of the stipulations in the case of vacancy, the arrangement of it may prevent much serious inconvenience which might probably be occasioned by an omission in the Treaty entirely unintentional.

I am convinced that Your Excellency will give your full support to a measure so consonant to the spirit, and so necessary to the execution, of the Treaty of 1817, and should the Government of His Catholick Majesty view the matter in the same light in which it is here placed, I am authorized to sign a Declaration to the proposed effect. I inclose a Copy of the 13th Article of the Regulations for the Mixed Commissions, to which the above-mentioned extension is suggested; and I have, &c. &c.

Don F. Martinez de la Rosa, &c. &c. &c. (Signed) LIONEL HERVEY.

(*Second Inclosure in No. 5.*)

Don F. Martinez de la Rosa to Lionel Hervey, Esq.

(Translation.)

SIR, Palace, June 3, 1822.

I HAVE had the honour of laying before The King the Note which you were pleased to address to me, by order of your Court, on the 11th of last May, proposing that the provisions made by the Slave Trade Treaty, for filling up any temporary vacancies occasioned by the death of one or more individuals of the Mixed Commissions established by that Treaty, should be extended to vacancies occasioned by absence on account of ill health, or with permission of the respective Governments, notified in due form.

His Majesty, whose constant desire is to oblige His Britannick Majesty's Government, and to fulfill all the stipulations of the Treaty, has no scruple in agreeing to this proposition in the terms proposed in your Note; but His Majesty conceives that a friendly Declaration on this point, made by the Two Governments, would answer all the purposes proposed, without any necessity for adding an additional Article to the Treaty.

While touching upon this subject, I am likewise commanded to point out to you, how much it would conduce to the more prompt attainment of the object in question, if the Mixed Commission now residing at Sierra Leone were to be transferred to one of the Canary Islands,—a suggestion which the Spanish Minister in London has already made to His Britannick Majesty's Government: he is likewise authorized to sign any Convention that may be thought necessary for effecting this important change, as the

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residence of the Commissioners being transferred to one of these Islands, it would be more easy for the Spanish Government to fill up, without delay, any vacancies that might occur.

I beg, Sir, that you will recommend most earnestly to your Government, this most just consideration, and I take the advantage, &c.

Lionel Hervey, Esq. (Signed) F. MARTINEZ DE LA ROSA.
&c. &c. &c.

(Third Inclosure in No. 5.)

Copy of proposed *Declaration*.

MUCH inconvenience having arisen from an unintentional omission in the thirteenth Article of the Regulations for the Mixed Commission, appointed to carry into execution the stipulations of the Treaty of 1817, for the abolition of the Slave Trade,—the Governments of the Two Nations have agreed to declare, that all the provisions of the above-mentioned thirteenth Article, annexed to the body of the Treaty, and applying to the case of Commissioners removed by death, shall be understood to extend, and shall be applied to all cases of absence of Commissioners from illness, or from permission, regularly notified, of their respective Governments.

And, in pursuance of this agreement, the Undersigned have affixed their Seals and Signatures to the present Declaration.

(Fourth Inclosure in No. 5.)

Lionel Hervey, Esq. to Don F. Martinez de la Rosa.

Madrid, June 11, 1822.

The Undersigned, &c. in consequence of the Note of His Excellency Don F. Martinez de la Rosa of the 3d instant, has the honour to inclose a draft of the Declaration, which it is proposed to transmit to the Mixed Commissioners for their guidance and observance in the interpretation and application of the thirteenth Article of the Regulations for the Mixed Commissions.

The Undersigned has, at the same time, the honour to assure His Excellency that he will not fail to recommend to the most favourable consideration of His Britannick Majesty's Government, the wish expressed in His Excellency's Note of the 3d instant, that the Commission at present established at Sierra Leone, should be transferred to the Canary Islands.

The Undersigned, &c.
(Signed) LIONEL HERVEY.

Don F. Martinez de la Rosa,
&c. &c. &c.

No. 6.

Lionel Hervey, Esq. to The Marquess of Londonderry.—(Received June 30.)

My Lord, Madrid, June 17, 1822.

I HAVE the honour to inclose the translation of a Note which I have just received from M. Martinez de la Rosa, in which he signifies the consent of His Catholick Majesty to the extension, proposed by me, in

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obedience to Your Lordship's instructions, of the 13th Article of the Regulations for the Mixed Commissions. As I have no doubt that instructions will be immediately forwarded by Your Lordship to the British Commissioners, to conform to the stipulations expressed in this amplification of the 13th Article, I shall endeavour to persuade M. Martinez de la Rosa to transmit the same orders to the Spanish Commissioners, without waiting for the official communication of the acquiescence of the British Government in the measure proposed, which is, indeed, altogether unnecessary, after the notification, on my part, that I was empowered to sign a Declaration to that effect.

I have, &c,

(Signed) LIONEL HERVEY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(Inclosure in No. 6.

Don F. Martinez de la Rosa to Lionel Hervey, Esq.

(Translation.)

SIR, Palace, June 17, 1822.

I HAVE laid before The King the Note which you were pleased to address to me on the 11th instant, in answer to mine of the 3d curt. inclosing a sketch of the Declaration, which it is proposed to transmit to the Mixed Commissions for their guidance and observance, with respect to the interpretation and application of the thirteenth Article of the Regulations formed for these Commissions. His Majesty has no objection to adopt the form which you propose, and, as soon as the British Government informs us that it is about to communicate the orders in question to its Commissioners, the Government of His Catholick Majesty will immediately transmit similar orders to the Spanish Commissioners, in order that this proposed addition to the thirteenth Article may be instantly carried into effect.

I have, &c.

(Signed) FRANCISCO MARTINEZ DE LA ROSA.

Lionel Hervey, Esq.
&c. &c. &c.

No. 7.

Lionel Hervey, Esq. to The Marquess of Londonderry.—(Received July 11.)

(Extract.) Madrid, June 27, 1822.

M. MARTINEZ DE LA ROSA has promised me that orders shall be sent out to Sierra Leone, to conform to the amendment of the thirteenth Article of the Regulations for the Mixed Commissions, as drawn up by me and inclosed to Your Lordship in my Despatch of the 13th June.

(Signed) LIONEL HERVEY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

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No. 8.

Lionel Hervey, Esq. to The Marquess of Londonderry. (Received July 14.)

(Extract.) Madrid, June 30, 1822.

I HAVE the honour to acquaint Your Lordship that His Majesty yesterday gave His sanction to the Criminal Code, which has accordingly been declared by The Cortes to be in force.

It will be in Your Lordship's recollection that the two hundred and seventy-sixth Article of this Code relates to the punishment of all individuals who may be detected in carrying on the illicit Traffick in Slaves, and is to the following effect:

All Captains, Masters, and Pilots of Spanish vessels, who purchase Negroes on the Coast of Africa, or introduce them into any Port of the Spains, or are found with Slaves on board their vessels, shall lose their vessels, the produce of which, when sold, is to be considered as a fine, besides which they shall be sentenced to ten years hard labour on the publick works:

The Captains, Masters, and Pilots of Foreign vessels, which may in like manner introduce Slaves into any of the Ports of the Monarchy, are liable to the same penalties.

In both the cases specified in this Article, the Negroes found on board shall be declared free.

(Signed) LIONEL HERVEY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 9.

Mr. Secretary Canning to Sir William à Court.

SIR, Foreign Office, September 30, 1822.

I THINK it right to send to you, in order that you may communicate it to the Government of His Catholick Majesty, the accompanying copy of a Despatch, dated 24th July 1822, and of its Inclosures, from His Majesty's Commissioners, resident at Sierra Leone under the Treaty with Spain for repressing the Slave Trade.

These papers contain details regarding the Spanish schooners *Vecua* and *Icanam*, captured in the river Bonny, on the 15th April last, by the boats of His Majesty's ship *Iphigenia*, under a suspicion, which turned out but too true, that the vessels had disgraced the Spanish Flag, by an attempt to carry on in that Quarter the prohibited traffick in human beings.

A new and painful aggravation distinguished the enterprize in which the Owners of the *Vecua* and *Icanam* had embarked: these vessels were armed; were of considerable force; and were fitted out plainly and determinately for the purpose of Slave-trading.

Some circumstances had probably awakened the suspicions of the Officer of His Catholick Majesty, who authenticated their Passport, and the Captain was cautioned by him, in an indorsement on the back of the Pass-

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port, "to bear in mind the penalties attached to the infringement of the "prohibition imposed by the first Article of the Royal Cedula, dated "Madrid, 17th December 1817, on the purchase of Slaves in any Place "within the range of his destination."

But, totally regardless of this humane and honourable caution, on the part of the proper Authorities, the vessels proceeded on their unlawful expedition, and when met with, had, one of them three hundred, and the other three hundred and eighty, Slaves on board.

Each of the vessels mounted ten guns, and was well provided with ammunition of all sorts: their Instructions enjoined them to keep company one with the other: the Captain and crew, whose wages were enormous, but who were to abandon all claims in the case of loss or of *capture*, covenanted, by mysterious and illegal engagements, to pursue the object of their voyage "with their utmost efforts, even to the last extremity;" thus in fact assuming the character of Pirates, by proposing to act in forcible defiance of the Law and of Treaty. Nor did they hesitate, in pursuing their object to every extremity; they resisted the legal right of visit by a vessel furnished with competent Powers and Instructions, according to the Treaty between Great Britain and Spain; and, by such resistance, caused the death of two of His Majesty's subjects, and inflicted wounds on five other British seamen.

The gallantry of the crew of the boats belonging to His Majesty's vessel did, it is true, defeat their combination, after a protracted and severe struggle: but the necessity of discouraging, by the most severe punishment, any repetition of such atrocious proceeding, only becomes the more apparent; and The King trusts that His Catholick Majesty will, therefore, see the urgency of issuing immediate orders to the proper Authorities, that the several persons concerned in fitting out and carrying on the piratical voyage of the *Vecua* and *Icanam* shall, whenever they shall set foot on the Territory of Spain, be visited with the punishment so justly due to their offences.

I am, &c.

(Signed) GEORGE CANNING.

The Right Hon. Sir W. à Court, G. C. B.
&c. &c. &c.

No. 10.

Mr. Secretary Canning to Sir William à Court.

SIR, Foreign Office, October 15, 1822.

YOU are already aware of the complaints which have been made by the Spanish and Portuguese Governments, as to the insalubrity of the climate of Sierra Leone, and the inexpediency of continuing that Settlement as a residence for the Mixed Commissions, British and Spanish, and British and Portuguese, as well as British and Netherlands, now established there under the Treaties with those Powers for the prevention of the illegal Traffick in Slaves.

These representations have induced His Majesty's Government to consider, whether it would be possible to remove the Commission to some Spot, where its residence would be likely to be attended with the same

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benefit to the objects of the Treaty, as were contemplated, and have been secured by its establishment at Sierra Leone, whilst the health of its Members would not run so much risk from climate. Santa Cruz, in the Island of Teneriffe, has been proposed by the Spanish Government, and St. Jago, one of the Cape Verd Islands, by the Government of Portugal, as a fit Place for the residence of the General Commission.

The Chevalier de Onis, the Spanish Minister at this Court, has lately renewed his proposition, by presenting to me the draft of an Article, of which I inclose a copy.

On due consideration, it has appeared to His Majesty's Government that, considering the instructions, of which you are in possession, with respect to other points connected with the Slave Trade, it would be highly inexpedient to enter into a negociation here on this separate question. I have, therefore, as you will see by the inclosed copy of my Note to the Spanish Minister, received The King's commands to transfer the negociation to Madrid; and I have in consequence to give to you the following instructions for your guidance on the subject.

Teneriffe is distant upwards of twenty degrees of Latitude, and nearly the same number of degrees of Longitude, from the Bights of Benin and Biafra, the principal scenes of illegal traffick.

The *Cape de Verd Islands,* though not at so great a distance from the Coast of Africa, are so remote as to render the voyages of prizes difficult, expensive, and most probably, very wasteful in human lives, owing to the want of sufficient supplies for the Negroes:—and, it is further represented that, at the Cape de Verds, much would not be gained in point of salubrity of climate. Both Places are out of the dominion of Great Britain, and are, therefore, decidedly objectionable, as contrary to Treaty.

The renewed expence of fitting up Establishments for the reception of Slaves, would also form an objection of very considerable importance: and the immediate transfer of Slaves to a state of perfect freedom from controul, would probably form another; it would be inconvenient on this account to retain the Slaves in the Island, and they must therefore be sent to some part of the Continent of Africa, at a very considerable expence.

It is also to be observed, that though the climate of Sierra Leone is unhealthy, yet the unhealthiness of the Town, which proceeds chiefly from the proximity of woods and morasses, is daily lessening, by the gradual removal of the causes of that evil. The general convenience of the Place for the fulfilment of the objects of the Treaty is not disputed; and it is likely to become every year more and more fitted for the residence of the Commission.

Upon the whole, therefore, it is the opinion of His Majesty's Government that the great objects of the Treaty would lose so much of their effect, if the proposition, either of the Spanish or of the Portuguese Government, were in this point acquiesced in, that I have no option but to instruct you altogether to decline, on the part of Great Britain, the removal of the Commission to either of the Places proposed.

I am, &c.

(Signed) GEORGE CANNING.

The Right Hon. Sir William à Court, G. C. B.
&c. &c. &c.

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(First Inclosure in No. 10.)

Spanish Projet, *presented by The Chevalier de Onis.*

(Translation.)

IN THE NAME OF THE MOST HOLY TRINITY.

HIS CATHOLICK MAJESTY, The King of Spain, and His Majesty, The King of the United Kingdom of Great Britain and Ireland, being persuaded that it is utterly impossible for the Mixed Spanish and British Commission, appointed to take cognizance of the respective prizes of Slave-ships, in conformity with Article the twelfth of the Treaty for the abolition of the Slave Trade, concluded the 23d September 1817, between the Two High Contracting Parties, to continue to reside in the English Settlement at Sierra Leone, on the Western Coast of Africa, by reason of the notorious unhealthiness of the climate of that Settlement, which has compelled several of the Commissioners, after labouring under grievous maladies, and hazarding the loss of their lives, to quit the above Residence, in order to recruit their health and avoid falling victims to the fatal influence of the endemickal disorders of the Country; His Catholick Majesty, and His Britannick Majesty, being also aware how extremely prejudicial to the sacred cause of the abolition of the Slave Trade, and to the Persons interested in, as well as to the crews of the Slave-vessels, the interruption of the operations assigned to either of the two Mixed Commissions must prove, on account of the forced absence of some of the Commissioners, and of the involuntary suspension of their functions; and Their Majesties, solicitous to obviate for the future so serious an inconvenience, by transferring the Commission, which heretofore resided at Sierra Leone, to some Place known to combine salubrity, (in which that Place is deficient,) and which humanity renders desirable, with the spirit, if not with the letter, of the terms likewise dictated by the enlightened philanthropy which actuated the High Parties in stipulating that one of the said Commissions should reside in one of the English Settlements on the Coast of Africa, have named for Their Plenipotentiaries, to resolve on what shall be found conducive to the end proposed; namely, His Catholick Majesty, Don Luis de Onis, Knight Grand Cross, &c. and His Britannick Majesty, * * *

who, having exchanged, and found in due form their respective Full Powers, have agreed upon the following additional Articles to the above Treaty of September 23d 1817.

ARTICLE I.

Is rescinded so much of the twelfth Article of the Treaty, dated the 23d of September 1817, for the abolition of the Slave Trade, as provides expressly for the Establishment, in a British Possession on the Coast of Africa, of one of the two Mixed Commissions thereby appointed.

ARTICLE II.

The Commission established at Sierra Leone shall, pursuant to the above Article of the Treaty concluded in 1817, be removed to a Place which, though not belonging to England, shall unite the objects intended, by that express designation of the Place of Residence for the Mixed Commissions, with the greatest salubrity and convenience of the Individuals composing them.

ARTICLE III.

The Commission which, up to the present day, was to have resided at Sierra Leone, shall, in consequence, take up its abode at the Town of Santa Cruz, in the Island of Teneriffe, being a Situation that possesses all the qualities desired for the purpose by the present Convention.

In faith whereof, We, &c.

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(*Second Inclosure in No.* 10.)

Mr. Secretary Canning to The Chevalier d'Onis.

Foreign Office, October 11, 1822.

THE Undersigned, His Majesty's Principal Secretary of State for Foreign Affairs, &c. has the honour to inform The Chevalier de Onis, His Catholick Majesty's Envoy Extraordinary and Minister Plenipotentiary to this Court, &c. that His Majesty's Government have attentively considered the proposition which The Chevalier de Onis has submitted to him, for the removal from Sierra Leone, to a Colony of His Catholick Majesty, (specifically to the Island of Teneriffe,) of the Residence of the joint British and Spanish Commissions, at present established at the former Place, for the adjudication of vessels found trading illegally in Slaves;—together with the draft of the Article to this effect, which M. de Onis states himself to have Full Powers to sign on the part of the Spanish Government.

In the Treaty between this Country and Spain, concluded in the year 1817, under which these Commissions were appointed, (which Treaty has, so far as Great Britain was concerned, been sanctioned by an Act of the British Legislature,) it is distinctly provided that "one of the said Commis-"sions shall reside in a Possession belonging to His Britannick Majesty." To satisfy the Treaty, therefore,—the Residence of one of the Commissions under the Treaty being established in the Spanish Colony of Cuba, it was necessary that a fit Place for the establishment of the other Commission should be found in the Dominions of His Majesty. To remove that Commission into the Dominions of The King of Spain, would be a direct infringement of the Treaty; nor can His Majesty's Government lose sight of the very many and serious inconveniences which would arise from the mere circumstance of removing the Commission from Sierra Leone, its present Place of Residence, even if it were to be transferred to another British Colony.

No spot could be found so approximate to the Coast where the nefarious traffick is carried on. The expense which has been incurred in fitting up Establishments for the Slaves in the Town and in the interior, would, by the proposed removal, be wholly thrown away; those Establishments would be left to ruin, while a new and very considerable expense must be incurred for the like purposes at the Place, wherever it may be, assigned for the future Residence for the Commission. If the Place so assigned should be that proposed by M. de Onis, there would be this additional disadvantage, arising from its confined extent,—that the new Establishments would be framed without the least prospect of their being adequate to the objects for which they would be intended. Further, if the removal from a British Colony could at all be conceded, agreeably to the proposal of M. de Onis for selecting the Island of Teneriffe as the spot to which the Commission should be removed, the eligibility of that Situation must be compared with that of St. Jago, in the Cape de Verd Islands, to which Place the Portuguese Government has (through His Majesty's Chargé d'Affaires at Lisbon,) proposed that the general Commission should be removed.

The above detail will shew to The Chevalier d'Onis that there are too many considerations connected with his proposal, to allow of its being singly and separately adopted here, upon a hasty and partial negociation.

The Undersigned has already received The King's commands to instruct His Majesty's Ministers at the Courts of Madrid and Lisbon, to enter into negociation upon other points of importance, with reference to the Slave Trade. He submits to The Chevalier de Onis, that this point also should be included in the negociations about to be carried on in those Capitals;

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where it can be considered with a due reference to the others, which relate to the same subject.

Should The Chevalier de Onis agree, as the Undersigned trusts he will, in this view of what is best to be done with respect to M. de Onis's proposal, the Undersigned will forthwith receive the commands of his Sovereign for transmitting that proposal to Sir William à Court, accompanying it with such instructions as shall enable him to include the settlement of this among the other arrangements upon which he is already directed to enter into negociation with the Court of Spain, for the more effectual suppression of the illicit Traffick in Slaves: a traffick which the Undersigned is grieved to say, notwithstanding the solemn Engagements which have been contracted, and the earnest endeavours which have been employed for its entire extinction, still appears unhappily to prevail on the Coast of Africa, to an extent afflicting to humanity.

The Undersigned, &c.

The Chevalier de Onis, &c. &c. &c. (Signed) GEORGE CANNING.

(Third Inclosure in No. 10.)

The Chevalier d'Onis to Mr. Secretary Canning.

(Translation.) London, October 14, 1822.

THE Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Catholick Majesty, has received the Note which His Excellency The Right Honourable George Canning, His Britannick Majesty's Principal Secretary of State for Foreign Affairs, has addressed to him, under date of the 11th instant, in reply to the proposals made by the Undersigned, in writing, to the late Marquess of Londonderry, and which he has verbally repeated to His Excellency, respecting the removal of the Mixed Commission established at Sierra Leone, to a more healthy Situation; in which Note His Excellency proposes that this subject might form a part of the negociations about to be opened in Madrid and Lisbon, where it may be considered under all its bearings with other similar subjects.

The Undersigned will lose no time in communicating to his Government the contents of the above-mentioned Note, and can, in the mean time, assure His Excellency that he has not the least hesitation in complying with the wishes of the British Cabinet in that respect.

The Undersigned avails himself, &c. &c. &c.

The Right Hon. George Canning, &c. &c. &c. (Signed) LUIS DE ONIS.

No. 11.

Sir William à Court to Mr. Secretary Canning. — (Received November 26.)

(Extract.) Madrid, October 24, 1822.

I HAVE the honour to acknowledge the receipt of your Despatches of the 30th September, and of the 4th of October.*

As I received these Despatches on the morning of the Minister's weekly audience, I lost no time in drawing his attention to their contents. The subject appeared to be quite new to him, and I could draw nothing from him,

* See Netherlands Nos. 11, 12, and 13.

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either favourable or unfavourable, with respect to the Propositions which I was instructed to make, as he confined himself to a declaration, expressed in very general terms, of the anxious desire of the Spanish Government, to put an end to so inhuman a traffick, and to the request that I would deliver to him in writing what I had to propose upon the subject.

In consequence of this request, I addressed to him the two Notes, copies of which I have, herewith, the honour to inclose.

I have the honour to be, &c.

The Right Hon. George Canning, &c. &c. &c. (Signed) WILLIAM à COURT.

(*First Inclosure in No.* 11.)

Sir William à Court to Don E. San Miguel.

Madrid, October 20, 1822.

IN the year 1820, His Britannick Majesty's Ambassador at the Court of Madrid was instructed to bring under the notice of the Spanish Government, a difference of opinion which had arisen as to the construction to be put upon the ninth Article of the Treaty for preventing illegal Traffick in Slaves, which enacts, that ships of war may detain and bring in vessels suspected of illegal traffick, *in the event only of Slaves being actually found on board.*

The decision which was at that time given in the case of a Portuguese vessel carried into Sierra Leone, shewed, evidently, the necessity of some explanatory Article, or some extension of the conditions prescribed by the ninth Article, as necessary to authorize the detention of vessels engaged in this inhuman traffick; and the British Ambassador was, therefore, directed to urge the Government of His Catholick Majesty to concur in a Declaration, and in corresponding instructions to its cruizers and Commissioners, to this effect, namely, "that if there shall be clear and undeniable proofs, that a Slave or "Slaves have been put on board a vessel for the purpose of illegal traffick, in "the immediate cruize during which the said vessel shall be captured, then, "and on that account, according to the true intent and meaning of the stipu-"lations of the Treaty, the vessel shall be considered as justly detained, and "be finally condemned by the Commissioners."

To the Note of the British Ambassador upon this subject, which was dated the 15th October 1820, the Minister for Foreign Affairs replied, in the most satisfactory manner, by a Note, dated the 21st February 1821, written by the command of His Catholick Majesty, after having heard the opinion of His Council of State. The proposition brought forward by the British Ambassador was therein fully approved and adopted, and he was requested to transmit to the Spanish Government the precise and literal terms of the extension proposed to be given to the ninth Article, and of the instructions to be given to the British Commissioners, in order that exactly the same might be transmitted to those employed in the service of Spain.

In consequence of this acquiescence on the part of the Spanish Government, the Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, has received instructions from his Government to submit to His Excellency the Minister for Foreign Affairs, the inclosed *Projet* of an explanatory Article, drawn up in strict conformity with the proposition already consented to, with the view of insuring the due execution of the Treaty, according to its real spirit and meaning.

Full Powers will be immediately transmitted to the Undersigned, authorizing him to sign the Article herewith inclosed, and The King, his Master, doubts not that His Catholick Majesty will promptly issue the same Autho-

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nity to His Ministers, in order to give full effect to the assurances which His Catholick Majesty has already been pleased to give upon this subject.

The Undersigned avails himself of this opportunity to offer to His Excellency, M. San Miguel, the assurance of his highest consideration.

Don Evaristo San Miguel, &c. &c. &c. (Signed) WILLIAM à COURT.

(Second Inclosure in No. 11.)

Sir William à Court to Don E. San Miguel.

Madrid, October 20, 1822.

IN reference to the conversation which took place on Saturday, between the Undersigned, His Britannick Majesty's Envoy Extraordinary and Minister Plenipotentiary, and His Excellency M. San Miguel, Minister for Foreign Affairs, the Undersigned has the honour to transmit to him the draft of an additional Article which the British Government is desirous of annexing to the Treaty for preventing illegal Traffick in Slaves. The object of this Article is simply to extend the provisions of the thirteenth Article of the Regulations for the Mixed Commission, annexed to the said Treaty, which now only apply to the *Vacancies* occasioned by the death of one or more of the Commissioners, to cases of absence from illness, or permission given by their respective Governments, the same being regularly notified.

As the motives which have induced the British Government to propose this Article to the consideration of His Catholick Majesty's Government, are fully developed in Mr. Hervey's Note of the 11th of May of the present year, and as their force and justness have been already clearly admitted by the Notes of His Catholick Majesty's Secretary of State, bearing date the 3d and the 17th of the month of June, it remains only for the Undersigned to express his hope, that no objection will be made by the Spanish Government to recording, in the more regular form of an additional Article, the Regulations already agreed upon.

The Undersigned hopes that His Excellency M. San Miguel will take this proposal into immediate consideration, and favour him with as early an answer as possible. In the mean time, he has the honour to assure him of his highest consideration.

(Signed) WILLIAM à COURT.

Don Evaristo San Miguel, &c. &c. &c.

No. 12.

Mr. Secretary Canning to Sir William à Court.

SIR, Foreign Office, October 25, 1822.

I AM sorry to have to call your attention to another daring outrage, as detailed in the inclosed Papers, committed in the month of August 1821, upon the boats of one of His Majesty's ships of war, by a Spanish brig and schooner, in the river Bonny.

It appears that the *Caridad* and the *El Nueve Virgen*, laden with Slaves; many of which were in the act of jumping overboard (whether voluntarily or from violence is not ascertained) when the boats of His Majesty's ship Myrmidon hove in sight,—waited until the boats came within pistol shot,—and

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then commencing a heavy fire of grape and musketry,—severely wounded three Officers and one seaman.

This act of hostile resistance, on the part of a vessel under the Spanish flag, to the visit of a British vessel, which was acting under the Treaty between Great Britain and Spain, is similar to the case detailed in my Despatch of the 30th ultimo, and proves the necessity of inflicting signal punishment upon the Offenders. I desire that you will call upon the Spanish Ministry to give this redress with the promptness and sincerity which the occasion demands.

I am, &c.

(Signed) GEORGE CANNING.

The Right Hon. Sir W. à Court, G.C.B.
&c. &c. &c.

No. 13.

Sir William à Court to Mr. Secretary Canning.—(Received November 17.)

SIR, Madrid, October 28, 1822.

I HAVE the honour to acknowledge the receipt of your Despatch of the 30th September, detailing the circumstances attending the capture of the *Vecua* and the *Icanam*, two Spanish schooners engaged in the Slave Trade.

I immediately addressed a Note upon the subject to the Minister for Foreign Affairs, inclosing a copy of the Report of the Commissioners, and I demanded in His Majesty's name, that the several Persons concerned in the fitting out and carrying on the piratical voyage of the *Vecua* and *Icanam* should be visited with the punishment so justly due to their offences, whenever they should set foot on the Territory of Spain.

I have the honour to be, &c.

The Right Hon. George Canning, (Signed) WILLIAM à COURT.
&c. &c. &c.

No. 14.

Sir William à Court to Mr. Secretary Canning.—(Received November 17.)

SIR, Madrid, October 29, 1822.

SUBSEQUENTLY to the presentation of the Notes inclosed in my Despatch of the 24th instant, I had another conversation with the Minister for Foreign Affairs, upon the subject of the two Articles proposed to be added to the Treaty for preventing illegal Traffick in Slaves.

The Minister informed me, that the Council of State must in the first instance be consulted, and that the Articles must afterwards be submitted to the Representatives of the Nation. He assured me that no time should be lost in transmitting them to the Council, and that I might reckon upon the fullest support of the Government, both there and in the Cortes.

He hoped, he said, that little opposition would be offered to either proposition; but that a certain time must elapse before the regular forms could be gone through.

I have, &c.

The Right Hon. George Canning, (Signed) WILLIAM à COURT.
&c. &c. &c.

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No. 15.

Mr. Secretary Canning to Sir William à Court.

Sir, Foreign Office, October 29, 1822.

IN reference to my Despatches of the 30th ult.,* I inclose to you a Full Power under the great Seal, authorizing you to conclude certain additional Articles to the Treaties subsisting between this Country and Spain, for the suppression of the Trade in Slaves.

I am, &c.
(Signed) GEORGE CANNING.

The Right Hon. Sir W. à Court, G. C. B.
&c. &c. &c.

* See Netherlands, Nos. 11 and 12.

No. 16.

Sir William à Court to Mr. Secretary Canning. — (Received December 24.)

(Extract.) Madrid, December 10, 1822.

I HAVE great satisfaction in forwarding to you the two additional Articles to the Slave Trade Treaty, which were signed by M. San Miguel and myself this morning.

Having concluded this business, I shall now proceed to give execution to the instructions contained in your Despatch of the 4th of October.*

(Signed) WILLIAM à COURT.

The Right Hon. George Canning,
&c. &c. &c.

* See Netherlands, No. 13.

No. 17.

Sir William à Court to Mr. Secretary Canning.—(Received January 2, 1823.)

(Extract.) Madrid, December 15, 1822.

I HAVE submitted the *Proviso*, which His Majesty's Government desires to join to the Explanatory Article, just added to the Slave Trade Treaty, to the consideration of the Spanish Minister in the Note, a copy of which I have the honour to inclose.

In the latter paragraph of this Note I combat a wish expressed by the Spanish Minister to fix some precise time for the commencement of the operation of the additional Articles, declaring to him that they must be considered as in force from the day of their ratification.

(Signed) WILLIAM à COURT.

The Right Hon. George Canning.
&c. &c. &c.

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(Inclosure in No. 17.)

Sir William à Court to Don E. San Miguel.

Madrid, December 14, 1822.

THE frank and friendly manner in which the Spanish Government met the late proposals of the British Government, and the happy conclusion of the two additional Articles to the Slave Trade Treaty, signed on the 10th instant, induces the Undersigned to hope, that the further proposal which he is now instructed to bring forward upon the same subject, will meet with an equally favourable reception.

His Excellency M. San Miguel cannot but be aware, that when a vessel is destined to carry on a Traffick in Slaves, it is fitted up in so peculiar a manner as to exclude every doubt as to the object of its voyage.

It is indeed quite impossible to imagine any pretext for those arrangements on board a ship which are calculated for the reception of a *living Cargo*, except the purpose for which they are really destined; and it would be mere mockery to pretend that the purpose so manifested, differs in guilt in any degree from the total or partial execution of it, though by the Treaty, as it originally stood, the actual presence of the miserable victims was held to be necessary to substantiate the charge of trading in them.

The Spanish Government having, by its agreement in the Articles lately proposed, evinced its sincere desire to put an end to this inhuman traffick, the Undersigned cannot but flatter himself that it will admit, without hesitation, the supplemental provision, that the fitting up of the ship (which may be described in as precise terms as the Spanish Government requires) shall be held to be *primâ facie* evidence of the nature of the cargo.

The burthen of the proof to the contrary must rest with the Captain of the vessel, who will have to shew to the satisfaction of the Captors to what other purpose such fitting can be applicable.

The Uundersigned, by order of his Government, incloses the draft of a *Proviso*, which may either be added as a clause to the explanatory Article lately signed, or to the Treaty, as a further additional Article.

The Undersigned has received Full Powers to affix his signature to it in either shape, and His Britannick Majesty's Government entertains not the smallest doubt, but that His Catholick Majesty's Government will immediately see the necessity of such a further *Proviso*, and readily concur in its enactment.

The few words which dropped this morning from M. San Miguel, respecting the propriety of fixing some precise period for the commencement of the operation of the lately signed explanatory Article, make it necessary for the Undersigned to recall to the recollection of His Excellency, that a Law of the Cortes has declared it felony to carry on a Traffick in Slaves; and therefore any Declaration, as to the time of the commencement of the operation of this Article, must clearly be superfluous, for as the act against which it provides is in itself illegal and punishable, any delay in the operation of the explanatory Article, would, by a seeming temporary sanction of the Trade, be in evident contradiction to the Law established by the Cortes. Indeed every consideration of justice and humanity requires, that the execution of the provisions of the additional Article should date from the day of its Ratification, and that no alteration should be made.

The Undersigned avails himself, &c. &c.

(Signed) WILLIAM à COURT.

Don Evaristo San Miguel.
&c. &c. &c.

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No. 18.

Mr. Secretary Canning to Sir William à Court.

SIR, Foreign Office, December 28, 1822.

HIS MAJESTY has perceived with satisfaction, by your Despatch of the 10th instant, that you have concluded and signed with the Spanish Minister for Foreign Affairs, the two additional Articles to the Slave Trade Treaty of 1817, between The King and His Catholick Majesty.

These Articles, will be forthwith submitted for His Majesty's Ratification, and will be returned to you for exchange as soon as that Act is completed.

I am, &c.

(Signed) GEORGE CANNING.

The Right Hon. Sir W. à Court, G. C. B.
&c. &c. &c.

No. 19

Sir William à Court to Mr. Secretary Canning.—(Received April 5.)

SIR, Madrid, February 23, 1823.

I HAVE the honour to inform you that I have exchanged this day with M. San Miguel, in the usual form, the Ratifications of the explanatory Article, and of the additional Article, lately added to the Slave Trade Treaty.

I have the honour to be, &c.

(Signed) WILLIAM à COURT.

The Right Hon. George Canning,
&c. &c. &c.

No. 20.

Joseph Planta, jun. Esq. to Sir William à Court, (and to E. M. Ward, Esq.)

SIR, Foreign Office, May 8, 1823.

IN reference to your Correspondence respecting the proposed additional Article to the Slave Trade Treaty, whereby a vessel fitted out or equipped as a Slave-trader shall be subject, under certain conditions, to capture and condemnation, I am directed by Mr. Secretary Canning to have the honour to transmit to you the copy of a similar Article, which has been agreed to by The King of the Netherlands, in order that the $\frac{\text{Spanish}}{\text{Portuguese}}$ Articles may, if possible, be drawn out conformably to it.

Mr. Canning trusts that the fact of such an Article having been agreed to by The King of the Netherlands, and being actually in operation with respect to vessels under Dutch colours, will do away with any hesitation which may exist in the minds of the $\frac{\text{Spanish}}{\text{Portuguese}}$ Governments to sign the Article in question.

I am, &c.

(Signed) JOSEPH PLANTA, Jun.

His Majesty's Envoy Extraordinary
and Minister Plenipotentiary in Spain,
and Chargé d'Affaires at Lisbon.

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No. 21.

Mr. Secretary Canning to The Lords of the Admiralty.

MY LORDS, Foreign Office, May 16, 1823.

IN reference to the Letter addressed by the late Marquess of Londonderry to Your Lordships, on the 19th of February 1819, inclosing copies of certain Treaties entered into with Foreign Powers for preventing illegal Slave Trade, I furnish Your Lordships with fifty copies of Articles, signed at Madrid on the 10th of December 1822, explanatory of, and additional to, the Treaty concluded at Madrid on the 23d September 1817, between His Majesty and The King of the Spains for the prevention of that traffick.

I am to signify to Your Lordships His Majesty's pleasure, that you do issue to the Officers commanding His Majesty's ships and vessels, such instructions, in conformity with the purport of these Articles, as shall be judged necessary for more effectually carrying into execution the intentions of the stipulations therein recorded. I am, &c.

(Signed) GEORGE CANNING.

The Lords Commissioners of the Admiralty,
&c. &c. &c.

No. 22.

Joseph Planta, jun. Esq. to Robert Wilmot, Esq.

SIR, Foreign Office, May 16, 1823.

IN reference to the Letter from this Department, of the 19th of February 1819, inclosing, for the information of Earl Bathurst, copies of the Treaties entered into with Foreign Powers for preventing illegal Slave Trade, I am directed by Mr. Secretary Canning to send to you the ten copies accompanying this Letter, of Articles signed at Madrid on the 10th of December 1822, explanatory of, and additional to, the Treaty concluded at Madrid on the 23d of September 1817, between His Majesty and The King of the Spains for the prevention of that traffick.

I am to request you will submit to Earl Bathurst the propriety of communicating these Articles to the Colonial Authorities at Sierra Leone and in the neighbourhood of the Havannah. I am, &c.

Robert Wilmot, Esq. (Signed) JOSEPH PLANTA, Jun.
&c. &c. &c.

No. 23.

J. W. Croker, Esq. to Joseph Planta, jun. Esq.

SIR, Admiralty Office, May 17, 1823.

IN reference to the Letter from Mr. Secretary Canning, to my Lords Commissioners of the Admiralty, of yesterday's date, inclosing fifty copies of Articles signed at Madrid on the 10th of December 1822, explanatory of, and additional to, the Treaty concluded on the 23d of September 1817, between His Majesty and The King of the Spains, for the prevention of an illegal Traffick in Slaves; I am commanded by Their Lordships to acquaint you, for the information of Mr. Canning, that they have issued copies of these Articles to all His Majesty's Officers who have been furnished with the Treaty of September 1817, and instructed them to observe and carry into effect such of the stipulations contained in the said Articles as may concern them.

Joseph Planta, jun. Esq. I am, &c.
&c. &c. &c. (Signed) J. W. CROKER.

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PORTUGAL.

No. 1.

E. M. Ward, Esq. to The Marquess of Londonderry.—(Received April 21.)

My Lord, *Lisbon, April 6, 1822.*

I HAVE herewith the honour to annex the Reply to the Note which, in pursuance of Your Lordship's direction, I addressed to M. Pinheiro respecting the 14th Article of the Regulations of the Mixed Slave Commissions.

M. Pinheiro, whom I have since seen, appears to think that the Declaration or explanation is unnecessary, as the previous Orders of Their respective Governments, authorizing Their Consul or other Agent, to name Substitutes in the cases mentioned, would be quite sufficient, without the formality of a separate Article or Declaration. He declared, nevertheless, that he should agree to any Article which Your Lordship should please to frame and send out.

I exhibited to him Your Lordship's Despatch, authorizing me to sign a Declaration to the effect required; but he said he should prefer delaying until I had submitted his view of the case to Your Lordship.

I have the honour to be, &c.

The Marquess of Londonderry, K. G. (Signed) E. M. WARD.
&c. &c. &c.

(Inclosure in No. 1.)

Signor Pinheiro Ferreira to E. M. Ward, Esq.

(Translation.) *Lisbon, March 30, 1822.*

THE Undersigned, &c. having laid before His Most Faithful Majesty the Note addressed to him by Mr. E. M. Ward, &c. under date of the 27th instant, relative to the mode of supplying, in conformity with the Convention, the vacancies that may take place in the Mixed Commissions, from the temporary impediment of any of the Members thereof; His Majesty has been pleased to authorize the Undersigned to accede to any just proposal that shall be made to him on the part of His Britannick Majesty's Government, in addition to the above-mentioned Convention.

The Undersigned, therefore, hopes that Mr. Ward, on receiving from his Government the competent instructions to this effect, will be pleased to signify to him His Britannick Majesty's pleasure on this subject: it being agreed that Great Britain shall take the lead on this point, inasmuch as the contemplated removal of the Commission, actually established at Sierra Leone, to the Capital of the Cape Verde Islands, placing both the Commissions in Portuguese States,—the question of supplying vacancies in the case of impediment, will require especial provisions on the part of Great Britain alone.

The Undersigned renews, &c.

(Signed) SILVESTRE PINHEIRO FERREIRA.

E. M. Ward, Esq.
&c. &c. &c.

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No. 2.

E. M. Ward, Esq. to The Marquess of Londonderry.—(Received May 10.)

MY LORD, *Lisbon, April 27, 1822.*

I HAVE the honour to communicate M. Pinheiro's Reply to the Note which I presented, stating the abuses which were practised under cover of the Portuguese Flag, by ships carrying on the Slave Trade in the cruel and illicit manner pointed out in the communication made from the Governor of Sierra Leone to His Majesty's Government. M. Pinheiro assures me that every possible means shall be adopted in the Foreign Ports of the Portuguese Dominions, for detecting the ships which are suspected of having traded within the forbidden limits; and he suggests that the British Consuls should be directed to see that the examinations of the papers and crews of ships arriving with cargoes of Slaves, be duly carried into effect by the local Authorities of the Portuguese Government. M. Pinheiro further states, that strict injunctions shall be given to the Authorities in the Cape de Verds, to repress, as far as in their power, the system lately adopted by the Slavers, of importing thither Slaves for the purpose of re-shipping them for Brazil, under the denomination of domesticks; and he takes this occasion to renew a proposition already made to His Majesty's Government, for removing to the Capital of the Cape Verds, the Mixed Commissions at present established at Sierra Leone, to which he expresses himself particularly anxious of obtaining the decisive consent of the British Government.

I have the honour, &c.

The Marquess of Londonderry, K. G. &c. &c. &c. (Signed) E. M. WARD.

(Inclosure in No. 2.)

Signor Pinheiro Ferreira to E. M. Ward, Esq.

(Translation.) *Lisbon, April 26, 1822.*

THE Undersigned, &c. as soon as he received the Note addressed to him by Mr. Ward, &c. under date of the 20th instant, calling the attention of the Portuguese Government to the abuses, as scandalous as they are revolting to humanity, practised by ships employed in the illicit traffick of Slaves on the Coast of Africa, lost no time in laying the same before His Most Faithful Majesty, in order that, upon receiving His Royal Commands, he might be enabled to answer, in the most adequate and satisfactory manner, to the just confidence which His Britannick Majesty's Government has placed in the good faith, with which the Portuguese Government has always made it a point of honour to fulfil exactly, and at all cost, the obligations contracted towards Great Britain, being convinced that such is the means of gaining a right to an alliance which it prizes above measure, and is above all desirous to preserve. In anticipation of future additional and more direct means for preventing the abuses pointed out in Mr. Ward's Note, His Majesty has ordered, that every ship entering a Port with a cargo of Slaves shall be examined, its passports and log-book compared, the deposition of the crew taken, and the imported Negroes interrogated in their presence by means of proper interpreters, under such regulations and formalities as shall ensure a means of arriving at the truth.

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It being once ascertained that a ship has been Slaving within the limits prohibited by Law and by the existing Treaties, the guilty Parties shall be transferred, with the act of examination, to the Mixed Commission nearest to the Place at which the said examination shall have been made, there to be judged according to the form laid down in the above Conventions.

His Most Faithful Majesty, solely animated with the desire of seeing faithfully performed the dispositions which He has been pleased to sanction in this and other respects, does not hesitate to order it to be declared to His High and Mighty Ally, that Great Britain being equally with Portugal interested in enforcing the observance of the said Conventions,—it is within the competence of British Consular Agents, to see that the provisions here set forth by the Undersigned be carried into effect in the several Ports of their residence; and that in consequence, at the same time that His Most Faithful Majesty is about to send orders to the Local Authorities to proceed to the above mentioned examinations and enquiries, concerning ships which shall enter with Slaves on board into any Port in the Portuguese States beyond the seas, His Britannick Majesty will be pleased to send instructions to the same effect to His Consuls residing in those States, together with orders and directions for enforcing the observance of these regulations, requiring whatever they shall judge necessary to this effect: it being ordered on the part of this Court, to all those Authorities, that they shall, without hesitation or reserve, afford and communicate to the said Consuls of His Britannick Majesty, whatever shall be required by them for their information and guidance on this subject.

It would likewise appear conducive to a happy result, that instructions were given to the cruizers, in order that they, on meeting with ships in any manner suspicious, although not in the case of being detained and brought before the Commissions, may avail themselves of all opportunities that shall offer, of notifying to all Portuguese Ports to which such ships are to return, whatever they shall have observed in them calculated to excite suspicion, to the end that, in the examination and enquiry there to be proceeded in, the said observations may avail, in combination with the other data that shall present themselves in the course of the investigation. In reference to the other abuse pointed out by Mr. Ward, of first passing illegally acquired Slaves to some of the nearest Portuguese Possessions, in order to be afterwards shipped off as domesticks for the Brazils; although this be a matter of more difficult investigation, yet, as this Ministry proceeds with good faith, the Undersigned protests under the same to Mr. Ward, that the Government is about to issue to the Superior Authorities of those suspected Possessions, more especially to those of the Cape Verds, the most positive orders, and most circumstantial instructions for putting an end to that fraud. But it is the duty of the Undersigned on this occasion to request Mr. Ward, to call the attention of his Government to the final conclusion of a subject, which, having been proposed by His Most Faithful Majesty's Envoy in London, immediately after the return of this Court to Lisbon, and having been subsequently ordered to be again brought forward, as well by the said Envoy, as by the present Chargé d'Affaires, the Commandeur d'Oliveira, still remains undecided; and certainly the conclusion of the same cannot but greatly contribute to put an end to the abuse here treated of.

The subject to which the Undersigned alludes, is the removal of the Mixed Commission from Sierra Leone to the Capital of the Cape Verd Islands:—a removal which, from the instant of its first proposal to the British Government by the Commandeur de Souza, at that time Envoy to the Court of London, appeared not to be disagreeable. It was even arranged that the consent of His Catholick Majesty should be asked, as being, equally with His Two High Allies, interested in this transaction.

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This step was taken by this Court, and likewise, it is known, by that of London; and, as was to be hoped, met with no opposition on the part of the Spanish Government, which authorized its Minister at the Court of His Britannick Majesty, to enter into such negotiations as should be necessary, for bringing the subject to a determination.

Nothing therefore remains, except the assent of the British Cabinet, and the concluding, in concert with the Ministers of the Two Courts, such arrangements as shall appear necessary for effecting the translation, in order that, the same being made known to His Most Faithful Majesty, and being by Him approved and ratified, the necessary orders may be sent from this Court to the Governor of Cape Verd, in order there to make such arrangements, in conformity with the agreements, as shall appear expedient for the establishment of the three Commissions,—British, Spanish and Portuguese, in the Capital City.

The Undersigned hopes that Mr. Ward will not fail to bring this important subject as soon as possible to the recollection of His Britannick Majesty's Government, in order to gather with the least delay, the fruits of the united efforts of all the Three Powers equally interested in the punctual observance of the Conventions to this purpose, established between them.

The Undersigned, &c.

(Signed) SILVESTRE PINHEIRO FERREIRA.

E. M. Ward, Esq.
&c. &c. &c.

No. 3.

The Marquess of Londonderry to E. M. Ward, Esq.

SIR, *Foreign Office, July* 31, 1822.

I FORWARD to you the copies of two Despatches which I have received from His Majesty's Commissary Judge at Rio de Janeiro, under the Treaty with Portugal for preventing illegal Traffick in Slaves, dated the 16th January and 16th February last, and representing that great inconveniences arise from the arrangements respecting the sale of condemned vessels being taken out of the hands of the Mixed Commission; and also that the Portuguese Government have not fulfilled the stipulations of the Treaty in regard to the prosecution of Persons detected in illicit Traffick in Slaves. It would appear from these Papers that a certain degree of neglect has existed on the part of the Brazilian Authorities, in not giving proper directions for the prosecution of the Persons implicated in the Slave Trade, as detected in the proceedings of the Mixed Commission Court; and as His Majesty's Government consider that prosecutions can only be instituted by the publick Prosecutor, acting either by virtue of his general Commission, or by the authority of the *Alvará*, referred to in the letter inclosed above, or by special directions, as may be agreeable to the Laws and Constitutions of the Country, I have to signify to you The King's Commands that you lose no time in representing these circumstances to the Portuguese Ministers, and that you urge them in the strongest manner to transmit such instructions to the Authorities in the Brazils, as shall effectually ensure the full and prompt execution of the third Article of the Convention of the 28th July 1817, which provides for the punishment of Portuguese subjects who may be found engaged in the prohibited Traffick in Slaves.

With reference to the particular case of the delay in the sale of the

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Emilia, as it is possible that the cause assigned by the Judge of Contraband may be sufficient, I have only to instruct you, generally, to call the attention of the Portuguese Government to this point, in order to prevent unnecessary delay in future cases.

I am, &c.

E. M. Ward, Esq. (Signed) LONDONDERRY.
&c. &c. &c.

No. 4.

Mr. Secretary Canning to E. M. Ward, Esq.

SIR, *Foreign Office, September* 30, 1822.

DESPATCHES, dated the 20th of March *, and the 30th of April †, 1822, which I have received from His Majesty's Commissioners at Sierra Leone, detail transactions of illegal Slave-dealing, in which M. Coutinho Lancastre, late Governor of the Cape de Verd Islands, and M. Correa Barros, late Governor of Cacheo, are personally implicated, and likewise M. Freire de Andrade, the present Governor of Bissao.

I inclose to you copies of these Despatches and their Inclosures. I inclose also a copy of the Answer which, by The King's command, was addressed to the Commissioners upon the subject of the judgment pronounced by them in the case of the *Conde de Villa Flor*.—This capture having been made under the guns of the fortress of Bissao, was, as it appeared to His Majesty's Government, liable to some observation: in other respects there appears no doubt, but that, as the trade carried on by the vessel was illegal, the condemnation was justly merited.

These papers are forwarded to you, for the purpose of putting you in possession of the circumstances by which the improper conduct of the Portuguese Officers has been brought to the knowledge,—first, of the Commissioners, and, through them, to that of His Majesty's Government. You will be so good as to select those parts which prove most clearly the contravention of the Laws and Treaties by which Portugal has bound herself to repress the Slave Trade; and you will make a strong representation upon the subject to the Portuguese Government, with a view to their inflicting upon the Officers who have thus disobeyed the Laws of their Country, and the orders of their Sovereign, such signal marks of displeasure, as shall operate to prevent a recurrence of these disgraceful practices in future.

I am, &c.

E. M. Ward, Esq. (Signed) GEORGE CANNING.
&c. &c. &c.

* Sierra Leone.—(Portugal.)—No. 20.
† Sierra Leone.—(Portugal.)—No. 21.

No 5.

Mr. Secretary Canning to E. M. Ward, Esq.

SIR, *Foreign Office, September* 30, 1822.

I INCLOSE to you the copy of a Letter, dated Rio de Janeiro, July 3, 1822, from Henry Chamberlain, Esquire, His Majesty's Consul General at that Place, giving some details of a Trade in Slaves, which appears continues to be carried on to the North of the Line, under cover of the

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flag of Portugal, and supported by the capital and speculations of Her subjects.

The inclosed Paper refers particularly to the illegal trade in which the shipping from Bahia is concerned. I desire that you will represent these circumstances to the Portuguese Government, and urge them to take the necessary measures for ascertaining the truth of them, and for preventing the continuance of this odious traffick in those parts at least of their Territories in which their own Laws do not sanction it.

I am, &c.
(Signed) GEORGE CANNING.

P. S.—I likewise furnish you with copies of two Communications, dated severally the 12th May, and 4th of July of this year, from His Majesty's Commissary Judge at Rio de Janeiro, upon the subject referred to in this Despatch. G. C.

E. M. Ward, Esq.
&c. &c. &c.

(*Inclosure in No. 5.*)

Henry Chamberlain, Esq. to The Marquess of Londonderry.

MY LORD, *Rio de Janeiro, July* 3, 1822.

I REGRET to have to state to Your Lordship that the Trade in Slaves to the North of the Line continues to be successfully carried on by the shipping from Bahia, whose Merchants have lately begun to supply this Place with Negroes from Calabar, and other Countries in that part of Africa.

Two vessels, the *Desengano*, and *Touinha*, have arrived here from Bahia, with six hundred and forty-six Slaves of this description, and I write to Mr. Consul Pennell, by this conveyance, desiring him to ascertain all the particulars of the transaction; especially whether these unhappy beings were landed at Bahia, and sold there; and to forward to Your Lordship a report of whatever he may learn respecting them. I am given to understand that, for the purpose of concealing the Place upon the Coast where this nefarious traffick is carried on, the vessels employed in it clear out for "New Molembo," which is in fact no other than a new name for the old Port of "Onim."

I have, &c.
(Signed) H. CHAMBERLAIN.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 6.

Mr. Secretary Canning to E. M. Ward, Esq.

SIR, *Foreign Office, October* 18, 1822.

BY the accompanying copy of a Despatch, which I have addressed, under date of the 15th of October inst., to His Majesty's Envoy at Madrid, you will perceive, that, after a due consideration of the proposals made to this Country, by the Governments of Portugal and Spain, for the removal from Sierra Leone of the Mixed Commission, resident at that Place under the Treaties for the repression of the Slave Trade, the objections to this measure appeared to be so many and of such a nature, that I was com-

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manded by His Majesty to decline altogether the proposed removal of the Commission, as being quite incompatible with the letter, and with the objects of the Treaty under which it was instituted.

For these reasons, as more particularly detailed in my Despatch to Sir William à Court, I have to instruct you likewise to decline, on the part of His Majesty's Government, the proposal made by that of His Most Faithful Majesty, for a change of residence for the Mixed Commission now sitting at Sierra Leone, to a Possession which is neither near to the scene of illegal traffick, nor within the Territories of His Britannick Majesty, as contemplated by the Treaty.

I am, &c.

E. M. Ward, Esq. (Signed) GEORGE CANNING.
&c. &c. &c.

No. 7.

Mr. Secretary Canning to E. M. Ward, Esq.

SIR, *Foreign Office, October* 18, 1822.

THE Declaration of Independence, by The Prince Regent of Brazil, will probably have reached Lisbon before the arrival of this packet.

With the political effects of this separation of the Colonial Empire of the House of Braganza from its European Dominions, Great Britain has no concern: nor are you to express any opinion of your Government upon it.

But there is one practical operation of this event upon the Treaties subsisting between His Majesty and The King of Portugal, which may be very important, and to which you will immediately call the attention of the Portuguese Secretary of State; I mean the Treaties respecting the Slave Trade. The Declaration of the Congress of Vienna of the 8th of February 1815, confirmatory therein of the previous stipulations of the Treaty between Great Britain and Portugal of the 19th of February 1810, expresses the resolution of totally abolishing the Slave Trade, with such exceptions as were deemed necessary to supply the deficiency of population in the Brazils, as Colonial Possessions of Portugal.

That ground of exception is practically removed by the change of political character in Brazil. It would be monstrous to suppose, that a provision made for the purpose of protecting the interests of Portugal in her Colonial Possessions, could continue in force, or be otherwise than absolutely and *ipso facto* abrogated and annulled, by an event which abolishes altogether the Colonial character of the Brazils, and which may set their interests, and those of Portugal, directly at variance with each other.

The Treaty of the 28th of July 1817 reduces to specifick agreement, the spirit of those general Engagements which were contracted in the Treaty of 1810, and confirmed by the Act of the Congress of Vienna.

The third and fourth heads of the first Article expressly exempt from protection by the Portuguese Flag, cargoes of Slaves carried to any other Colonies than those of Portugal: and the specifick limitations in the form of Passport, as well as the ninth Article of Instructions annexed to that Treaty, establish clearly, and beyond question, the same principle, and prescribe the course which it is the right—I should rather say the duty—of the British Government to take, in respect to any Slave Trade which may be carried on hereafter for the supply of Brazil, under the Flag of Portugal.

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You will announce to M. Pinheiro the resolution of His Majesty's Government to exercise the right which may accrue under the Treaty, from a change in the relations of Portugal and Brazil, with the same vigilance and activity which have hitherto been employed in carrying into execution the other stipulations of the Treaties.

I am, &c.

E. M. Ward, Esq. (Signed) GEORGE CANNING.
&c. &c. &c.

No. 8.

Mr. Secretary Canning to E. M. Ward, Esq.

SIR, *Foreign Office, October* 31, 1822.

THE Colonial Department of His Majesty's Government has transmitted to this Office, a Letter from Sir Charles MacCarthy, Governor of Sierra Leone, accompanied with a Memorandum of the state of the Slave Trade on the Coast of Africa, and, with a list of the ships detained or visited by the Commander of His Majesty's brig Thistle, in a cruise of seven days.

It therein appears that the Trade in Slaves is carried on with great activity, and with increased cruelty, under the flag of Portugal; notwithstanding the principles which the Portuguese Government has professed upon this question, and the engagements which it has contracted to mitigate the miseries inflicted upon the inhabitants of Africa, by the continuance of this traffick. I have particularly to call your attention to the case of the *San José de Xalaça*, as described in these Papers.—*Thirty* Slaves were in this instance stowed on board a vessel of only *seven tons* burthen; ten of them were starved to death, and a female Slave rendered delirious by hunger, was flogged until she died. You will remark that the San José de Xalaça belonged to the daughter of Mr. Gomez, who was formerly Governor of Princes Island, and is still a Member of the Council of that Settlemen.

It is stated also that the Governors of the Portuguese Establishments, along the whole line from Cape de Verd to St. Thomas, all participate in this traffick; and the accusation is corroborated by the number of Portuguese vessels which openly carry on the Slave Trade from those Settlements.

I inclose to you the copy of a Communication, dated August 26, 1822, from His Majesty's Consul at Bahia, upon the subject of the ships *Toninha* and *Desengano*, employed in carrying from Bahia to Rio de Janeiro, Slaves supposed to be natives of Africa, North of the Line, and of which mention was made in my Despatch of the 30th September.

From all these communications it is but too clear that, in spite of all professions and engagements, passports for trading to the Southward of the Line are granted without sufficient caution; and are become in fact little more than matters of form, the observance of which is neither enforced nor expected.

It is no less clear that Subjects of Portugal engaged in the legal branch of the trade, infringe without compunction, and without danger of punishment, the Rules which have been prescribed by Treaty for the Regulation of this tolerated traffick; and it is clear that Official Persons in the Colonies, both engage in the illegal Trade, and connive at it, without being called to account for their conduct.

You will earnestly urge upon the Portuguese Government, the consideration of all these scandalous abuses; and you will express in strong terms, the feelings of disgust and indignation, which are growing up

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every day in England, and in Europe at the apparent determination of Portugal, not only to foster and encourage, to an extent never practised heretofore, the unprohibited Slave Trade, but to connive at every infraction of the Treaties, by which that abominable traffick has been lessened or restrained.

I am, &c.

(Signed) GEORGE CANNING.

P. S. You will suggest, that if heavy Bonds were exacted from the Owners of vessels to which passports are granted for trading in Slaves, Southward of the Line, the amount of such Bond to be forfeited to the Government in case the vessel should be found trading Northward of the Line, such measure could in no wise be complained of by any as a hardship, and might considerably tend towards diverting the Slave-traders from hazarding an illegal voyage. G. C.

E. M. Ward, Esq.
&c. &c. &c.

(*First Inclosure in No.* 8.)

William Pennell, Esq. to The Marquess of Londonderry.

MY LORD, *Bahia, August* 26, 1822.

IN obedience to the orders of His Majesty's Consul-General at Rio de Janeiro, contained in his Despatch of the 3d ultimo, I have the honour to transmit Your Lordship a copy of the information I was enabled to obtain respecting the Slaves embarked on board the ships Desengano and Toninha. Finding a general reluctance prevails amongst individuals to answer questions on subjects connected with this inquiry, I, in consequence, addressed a Letter to the Judge of the Custom House, copy of which, together with his answer, I have the honour to inclose.

It is a matter of notoriety, that great number of Slaves, Natives of Africa, North of the Line, are imported here; but as the Official Documents afford evidence of the contrary, I am not aware of any steps that can be taken by me, consistent with the existing Treaties, to counteract this grievance.

I have, &c.

(Signed) WILLIAM PENNELL.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(*Second Inclosure in No.* 8.)

Information respecting the Schooner Toninha *and the Brig* Desengano.

Bahia, August 1822.

THE schooner *Toninha*, Captain Amaio Joze da Silva, on her leaving this Port, had two hundred and fifty-six Slaves on board,—two hundred and twenty-two males, and thirty-four females, which were reported at the Custom-House to have been brought here from Molembo, in the brig Desengano, and ship Cisné. The Owners of the Slaves are Domingos Joze d'Almeida Lima, and Antonio Ferraia Caelho, and the first Owner being in Rio de Janeiro acts as Supercargo. The duties on the Slaves were regularly paid, to enable them to land free of duty at Rio de Janeiro, and a *Carta da Guia* was given at the Custom-House here, which, it is supposed, could not have been obtained, unless the papers had appeared legal.

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On application to the Custom-House respecting the brig Desengano, they report, at present, they have no account of her clearance, but that it was probable a *Carta da Guia* was given on a verbal application of the Parties. She is reported to have arrived from Molembo: perhaps, some information might be obtained by procuring copies of the *Cartas da Guia* from the Custom-House at Rio. The Slaves were all landed, and, it is supposed, remained here unsold.

(*Third Inclosure in No.* 8.)

The British Consul to the Judge of the Custom-House, at Bahia.

SIR, *Bahia, August* 8, 1822.

HIS Britannick Majesty's Consul-General at Rio de Janeiro has informed me that the two vessels mentioned on the other side,* have arrived from this Port at Rio de Janeiro with Slaves, supposed to be natives of Countries North of the Line, and has directed me to enquire, whether the vessels were furnished from the proper Offices with all the Documents required by the Treaty and Convention of Vienna of 1815.

I have the honour to request that you will have the goodness to direct this information to be furnished to me as regards this Custom-House, and any other particulars that may elucidate the truth.

I have, &c.

M. Antonio Augusto da Silva, (Signed) W. PENNELL.
&c. &c. &c.

* Brig Desengano, 390 Slaves. Schooner Toninha, 256 Slaves.

(*Fourth Inclosure in No.* 8.)

(Translation.)

SIR, *Bahia, August* 13, 1822.

IN the Letter which you addressed to me yesterday, under date of the 8th instant, you request to be informed of all the circumstances which could be ascertained at this Custom-House respecting the brig Desengano, and the schooner Toninha, that arrived at this Port with Slaves, and whether they were furnished from the respective Offices with all the Documents required by the Treaty and Convention of Vienna of the year 1815.

As to what you desire to know in respect to this Department, I have only to acquaint you, that the said brig and schooner sailed from hence to Molembo to procure Slaves, and were provided with the proper Document relative to their lading, and with the Book of Regulations.

I have the honour to be, &c.

(Signed) FIRMIANO JOAQM. DE SZA. VELHO.

William Pennell, Esq.
&c. &c. &c.

No. 9.

E. M. Ward, Esq. to Mr. Secretary Canning.—(Received November 26.)

SIR, *Lisbon, November* 5, 1822.

IN obedience to the instructions contained in your Despatches of the 30th of September last;* I proposed to the Secretary of State the annex-

* See Netherlands, Nos. 11 and 12.

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ation of two additional Articles to the Treaty for the gradual abolition of the Slave Trade, therein forwarded to me, and I found him perfectly disposed to adopt them both. I read over to him the one which relates to the condemnation of ships, on board of which it shall be proved that Slaves have been received, although such may not actually be found by the Captors, and he expressed his approbation of it. They must, however, be submitted to the new Cortes, and approved of by them, before ratified by The King.

I have waited till I shall be enabled to state my having received Powers to sign the Articles in question, before I submit them to the Minister in writing.

I have, &c.

The Right Hon. George Canning, &c. &c. &c. (Signed) E. M. WARD.

No. 10.

E. M. Ward, Esq. to Mr. Secretary Canning.—(Received November 26.)

SIR, *Lisbon, November* 15, 1822.

I YESTERDAY waited on the Minister for Foreign Affairs, and announced to him the opinion of His Majesty's Government as to the practical effect of the Declaration, put forth by The Prince Regent of Brazil, upon our Treaties with this Country relating to the Slave Trade, agreeably to the instruction conveyed in your Despatch of the 18th ultimo.

He received the annunciation with some apparent surprise: he said that the stipulations in regard to Brazilian Slave Commerce were agreed to by Great Britain, not through regard to the person of John VI. who was only the organ of Portugal and Brazil, (the latter not a Colony, but an integral portion of the mass whom he represented,) but as stipulations enforced by the Brazils, on their own account, through The King as their Representative; and that their right to the benefit thereof, remained unchanged by the circumstance of their having changed their Representative. If the disunion of the two Countries, he observed, abrogated any engagements whatever, they abrogated all.

He then requested I would present in writing what I had been directed to communicate, in order that it might be laid before The King; which I did accordingly in the inclosed Note, and put it into his hands this morning.

His line of argument to-day turned principally upon the want of data upon which to assume the independence of the Brazils. The Prince's own Declaration, he said, was not clear upon the point of absolute separation. It could not yet be known if the majority of the Brazilians agreed with The Prince's views; and, finally, sufficient time had not been allowed to this Country to try the effects of its own means for restoring her influence in that part of the World. He therefore regarded the announcement which I made to him as, at least, premature on the part of Great Britain.

I have the honour to be, &c.

The Right Hon. George Canning, &c. &c. &c. (Signed) E. M. WARD.

(*Inclosure in No.* 10.)

E. M. Ward, Esq. to Signor Pinheiro Ferreira.

Lisbon, November 14, 1822.

THE Undersigned, &c. has received the orders of his Court to call the

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attention of His Excellency Signor Silvestre Pinheiro Ferreira, &c. to the practical operation of the Declaration of independence by The Prince Regent of Brazil, upon the Treaties respecting the Slave Trade, subsisting between The King, his Master, and The King of Portugal; but in doing so, the Undersigned wishes it to be clearly understood that he is unauthorized to express any opinion upon the political effects of this separation of the Transatlantic Empire of the House of Braganza from its European Dominions.

The Act of the Congress of Vienna, No. 15, and the Treaty of 22d January 1815, confirmatory therein of the previous stipulations of the Treaty between Great Britain and Portugal, of the 19th February 1810, express the resolution of totally abolishing the Slave Trade, with such exceptions as were deemed necessary to supply the deficiency of population in Brazil, as a Colonial dependency of Portugal: that ground of exception would be practically removed by the change of political character in Brazil. It cannot be supposed that a provision made for the purpose of protecting the interests of Portugal in her Transatlantic possessions, could continue in force, or be otherwise than *ipso facto* abrogated and annulled, by an event which, abolishing altogether the dependent character of the Brazils, would deprive Portugal of the power of enforcing the observance of many of the regulations and formal engagements under which the modified exercise of this traffick continued to be permitted.

The Treaty of the 28th July 1817, reduces to specifick agreement the spirit of those general engagements which were contracted in the Treaty of 1810, and confirmed at the Congress of Vienna. The 3d and 4th heads of the first Article expressly exempt from protection by the Portuguese flag, cargoes of Slaves bound to any Port not in the Dominions of Portugal; and the specifick limitations in the form of passport, as well as the ninth Article of the Instructions annexed to that Treaty, establish clearly and beyond question, the same principle, and prescribe the course which it is the part of the British Government to take, in respect to any Slave Trade which may hereafter be carried on for the supply of Brazil under the flag of Portugal.

The Undersigned has it, therefore, in command, to communicate to His Excellency Signor Silvestre Pinheiro Ferreira, the intention of His Majesty's Government to exercise the right which may accrue under Treaty, from such a change in the relations of Portugal and Brazil, with the same vigilance and activity which have hitherto been employed in carrying into effect the other stipulations of the Treaties.

The Undersigned, &c. &c.

(Signed) E. M. WARD.

Signor Pinheiro Ferreira,
&c. &c. &c.

No. 11.

E. M. Ward, Esq. to Mr. Secretary Canning.—(Received December 31.)

SIR, *Lisbon, November* 30, 1822.

I HAVE already had the honour to acquaint you that I had, in obedience to your instructions, waited on Signor Silvestre Pinheiro, and proposed to him to sign the Articles, additional to the Treaty of 1817, for the repressing illicit Slave Trade, the subject of which had already been brought forward by Sir Edward Thornton at Rio de Janeiro.

In the interval which occurred between my conference with the Minister and my being able to announce to him the arrival of Powers autho-

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rizing me to sign, I received your Despatch relative to the practical effect of the independence of Brazil upon the operation of the Treaty in question. The communication of the Resolution of His Majesty's Government upon this point, which I was therein directed to make, has had the effect of causing Signor Silvestre Pinheiro to postpone the Signature of the proposed Article, respecting the temporary relanding of Slaves, until the Portuguese Government shall have had time to take the Resolution announced to them into consideration.

He appears to hold, that, if the state of things contemplated in my communication exists, the Treaty itself is done away with, altogether: but as yet, he said, The King had come to no decision on the subject.

With respect to the Article for supplying the place of an absent Commissioner in the Mixed Commissions, he wished to insert a clause which should settle the point now in dispute between the Two Governments, relative to the absence or death of an Arbitrator pending the Arbitration; he desiring that the new or temporary Commissioner chosen should not necessarily succeed to the Arbitration, but that lots should again be drawn.

Not having any instruction upon this point, I have informed him that I should submit it to your consideration.

I have the honour to inclose a Translation of His Excellency's Note to me on the subject.

I have, &c.

The Right Hon. George Canning, &c. &c. &c. (Signed) E. M. WARD.

(*Inclosure in No.* 11.)

Signor Pinheiro Ferreira to E. M. Ward, Esq.

(Translation.) *Lisbon, November* 23, 1822.

THE Undersigned, &c. having received from Mr. Ward, &c. under date of the 21st instant, two Notes relative to two explanatory additions to the Treaty of the 28th July 1817, has the honour to state to him, with respect to that which treats of the mode of substituting any of the Judge Commissioners, or Arbitrators of the Mixed Commissions, that the sketch presented by him does not include all the circumstances, constituting the case omitted and intended to be supplied, in the above-mentioned Treaty, inasmuch as it does not provide for impediment arising from any cause, but death; nor does it determine whether, in a case of impediment of a Judge Commissioner and Arbitrator, designated by lot to decide any cause that may be pending, the Person named as his Substitute shall, *ipso facto*, take cognizance of that cause, in order to decide the same; or whether lots shall be cast anew, as had been practised with the Commissioner substituted, in order thereby to determine which of the two Arbitrators shall give the final decision. The Undersigned, therefore, requests Mr. Ward to inform him if he is furnished with Powers and instructions upon this second part of the proposed additional Article, in order that no time may be lost in proceeding to its conclusion, on which depends the prosecution of many causes pending before the Commission sitting in London. With respect, however, to the subject of the second Note, intended to provide against the fraud practised by ships employed on this illicit traffick, in removing the Slaves into boats before they can be seized by the ships of war appointed to maintain the observance of the Treaties against such traffick, the Undersigned assures Mr. Ward that the Portuguese

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Government, constant in the assent which it has on many occasions manifested to that just proposal of the British Cabinet, only defers signing the addditional Article appended to his Note, which Article, in all its parts, corresponds with the intent, until His Most Faithful Majesty shall issue His final orders relative to his preceding Note of the 15th instant, with which that Article is not only intimately connected, but is even absolutely dependent on its decision. His Majesty, convinced of the high importance of that object, wishes to hear His Council of State thereupon, whom he has ordered to take the subject into consideration without delay; and as soon as their Report shall be laid before The King, His Majesty will certainly lose no time in resolving that which shall be most conducive to the mutual interests of both Nations; and the Undersigned will make it his duty immediately to communicate to Mr. Ward the Royal determination concerning both his Notes.

The Undersigned, &c.

(Signed) SILVESTRE PINHEIRO FERREIRA.

E. M. Ward, Esq.
&c. &c. &c.

No. 12.

E. M. Ward, Esq. to Mr. Secretary Canning.—(Received January 4, 1823.)

SIR, *Lisbon, December* 18, 1822.

IT is with regret, though not with surprize, since my conversation with M. Pinheiro, alluded to in my Despatch of the 30th ultimo, that I have now to announce his refusal to sign the additional Article to the Slave Trade Treaty of 28th July 1817, having for object the prevention of the mode adopted by the Slavers for eluding the vigilance of our cruizers, by putting the unfortunate beings temporarily on shore on their approach.

His Excellency, to whom, shortly after the receipt of your orders upon the subject, I had read over the Draft of the Article proposed, then approved entirely of it, and it appeared as if no delay or difficulty would oppose it's signature, as soon as I should receive Powers to that effect.

In the interval which occurred before the arrival of these, I received the instructions by which I was authorized to announce the determination of His Majesty's Government to consider the Brazils, whilst remaining in fact independent of Portugal, as being also removed from the operation of the Convention of July 1817, which was undoubtedly framed with reference solely to the union between the two portions of the Monarchy.

Signor Silvestre Pinheiro, on receiving this communication, informed me, as I have already had the honour to state to you, that he could not then sign the additional Article proposed, until the opinion of The King's Council on the subject of the communication should be known. At the last interview which I had with His Excellency, he told me that I should in the evening receive a Note from him upon the subject. He declined entering into any conversation upon the nature of it's contents; but said, in answer to the wish which I expressed relative to the signature of the additional Article, that he could not now agree to it, until the view which the British Cabinet took of the subject, after his Note should have been submitted to them, was known. Translation of this Note I have the honour to inclose.

Signor Pinheiro denies the Treaty in question to have been framed with reference to the Brazils only. The Portuguese Possessions in Asia and Africa, are those, he says, which would be most radically affected by the total abolition of Slave-trading.

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Brazil, he allows, by having already a large supply of Negroes, could, by ameliorating their treatment, and paying attention to their increase, always keep up a sufficient number for the purposes of labour; but their African Settlements would, by the abolition, be plunged into irretrievable ruin.

This appears to assume grounds for opposing the discontinuance of the traffick; which, however, they may have weighed in secret with the Portuguese Government, have not, I think as yet, been openly put forward.

The impossibility of finding beings whose constitutions were strong enough to enable them to labour and resist the effects of climate in some Countries of America; and the want of population for carrying on the cultivation of some of the most fertile, and more salubrious parts of others, has hitherto been the ostensible argument for permitting the continuance of a system of violence and cruelty, which, abstractedly considered, none could venture to uphold.

But Signor Pinheiro here seems to assert, that it is not the benefit to be derived from the labour of the Slaves, which is the object with his Government, but the profits which result from the employment of capital in the buying and selling their miserable bodies.

Signor Pinheiro does not confine himself to combating the view of the question taken by His Majesty's Government, but menaces, that if Great Britain shall persist in her determination of acting upon that view, Portugal will consider all Treaties between the two Countries as equally affected, by existing circumstances, as the one under consideration.

I am, &c.

The Right Hon. George Canning, &c. &c. &c.

(Signed) E. M. WARD.

(*Inclosure in No.* 12.)

Signor Pinheiro Ferreira to E. M. Ward, Esq.

(Translation.) *Lisbon, December* 12, 1822.

The Undersigned, Minister and Secretary of State for Foreign Affairs, has laid before His Most Faithful Majesty the Note addressed to him by Mr. Ward, &c. dated the 15th ultimo.

It is not without great surprise that His Majesty perceives the grounds assumed by Mr. Ward for the inferences contained in his Note, to be a Declaration of the independence of Brazil, stated by him to have emanated from His Royal Highness The Prince Regent, although the Cabinet of His Britannick Majesty has not judged it necessary to communicate to this Court those characters of authenticity of the diplomatick Document in question, which would serve as a basis for such important conclusions as those which Mr. Ward has been charged to communicate to His Most Faithful Majesty's Government, to the Nation, and to all Europe.

His Majesty, whilst He cannot but recognize the characteristick prudence of the British Nation, in Mr. Ward's declaration that he is in no wise authorized to express an opinion upon the political effects of the late events in Brazil, is at a loss to conceive how Mr. Ward, in making such declaration, infers from those very events, not only that the whole of Brazil, but that all the Portuguese Transmarine Possessions, (*de ultramar,*) also, must be, and are, in fact, considered by Great Britain, as definitively separated from the European Dominions governed by the Dynasty of the August House of Braganza.

Yet less can He comprehend how, from a confused tissue of facts, calculated to give an idea rather of disorder and anarchy, than of the esta-

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blishment of an independent Government in Brazil, the British Cabinet can assume that Country to have acquired such a character of political independence, constituting it a Foreign Nation with regard to Portugal, as shall absolve Great Britain from her obligations contracted with the Portuguese Nation in the Convention of the 28th July 1817,—a Convention which Mr. Ward declares to have been specially made in favour of Brazil, to obviate the great prejudice which, it was alledged, could not but result to that Country from a sudden abolition of the Slave Trade; and which Convention, the principal object which it was framed to meet having ceased to exist, becomes, he contends, *ipso facto* abrogated, void, and of no effect, because no Treaty can be conceived to continue to exist, when the circumstances under which it was concluded are found to have undergone an essential change.

The Undersigned begs leave to observe to Mr. Ward, that the idea of the facts upon which he grounds his inference is historically incorrect. The agreement for delaying the abolition of the Traffick in Slaves, under the conditions and in the manner stipulated in the Convention of 28th July 1817, was not made peculiarly in favour of Brazil.

It cannot be doubted that an immediate abolition of the Slave Trade must be productive of great prejudice to Brazil; nevertheless, the actual possession of a considerable number of Slaves, whose Owners would endeavour to convert their services to better account, on finding the hope of continuing to recruit their number taken away, leaves to Brazil abundant resources for maintaining and even improving her agriculture, her rural economy, and her mines.

But those Countries whom an immediate abolition of the Slave Trade could not fail to plunge into irretrievable ruin, by at once cutting off their resources, and the means of employing their capital and industry, are all the Portuguese Dominions on the Coast of Africa, all those on the Coast of Asia, whose principal support is derived from the trade with Africa.

The great effects which must immediately result to Portugal from all these changes, it is easy to foresee; while Brazil, whose productions are sure to find an ample demand in Foreign Markets, although necessarily suffering as part of the great Family, yet, possessing native recourses to a greater extent than all the other Co-states of the Monarchy, would be in a less degree than they affected by the immediate abolition of the Slave Trade.

The Treaty best calculated for benefiting Brazil, not only in preference to all the other parts of the Monarchy, but to the material detriment of the particular interests of each of them, is that of the 19th February 1810. From this Treaty the commerce of Portuguese Asia has suffered the most decisive injury, by the introduction of Merchandize, not only of British produce, but of British importation, in whose presence the productions of the industry of Portugal, as well as the efforts of her Merchants, could not fail to succumb, as events have proved them to have done in every part.

The commerce of Africa, by the very agreement for the future abolition of the Slave Trade, and the more advantageous employment of its industry and capital on the Continent of Brazil, has resisted all the attempts made at various times by the Government, in order to direct it into a channel less subject to those contingencies, which all persons of sense already foresaw the Traffick in Slaves about to experience.

As to Portugal, no one is ignorant that the Treaty above-mentioned is the most fatal present which she has received from Brazil, to her industry and commerce, without the smallest benefit accruing therefrom to her agriculture.

It is not the Portuguese Nation which shall at any time attempt, by

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means of inferences, to escape from the fulfilment of Treaties contracted by her former Government with any Foreign Powers, under the shadow of good faith and the invariable principles of the Right of Nations. But, if Great Britain, by having a recourse to principles, shall claim to invalidate any of the Treaties subsisting between the Two Crowns, because contracted under circumstances which are now found to be essentially altered, and to consider as null and void those framed in favour of Brazil, because she considers the actual state of that Country to render them inapplicable; the Portuguese Nation will never consent that this distinction between Treaty and Treaty shall be arbitrary. If it be contended on these principles that one Treaty shall fall to the ground, all Treaties must fall to the ground.

Such is the firm and decisive declaration which the Undersigned has received the commands of His Most Faithful Majesty to communicate to the Chargé d'Affaires of His Britannick Majesty, in answer to the declaration which he addressed to His Majesty, on the part of his Government, through the hands of the Undersigned.

(Signed) SILVESTRE PINHEIRO FERREIRA.

E. M. Ward, Esq.
&c. &c. &c.

No. 13.

E. M. Ward, Esq. to Mr. Secretary Canning.—(Received January 4, 1823.)

(Extract.) *Lisbon, December* 18, 1822.

SINCE writing my other Despatch of this date, I have received a Note from Signor Silvestre Pinheiro, in which he proposes to sign the Articles which I had presented, together with another, being in substance one which would regulate the point as to the succession to the arbitration, in the event of the death or incapacity of the Arbitrator named, previous to his having pronounced his opinion;—he wishing that in that event fresh lots should be drawn.

It was so late when I received this Note and its Inclosure, which are somewhat long, that I have not been able to prepare a translation in time to send home, and as another packet is to sail in three days, I do not think it necessary to detain the present one.

(Signed) E. M. WARD.

The Right Hon. George Canning,
&c. &c. &c.

No. 14.

E. M. Ward, Esq. to Mr. Secretary Canning.—(Received January 3, 1823.)

(Extract.) *Lisbon, December* 23, 1822.

I HAVE herewith the honour to submit to you a translation of the Note addressed to me by Signor Pinheiro, inclosing the Counter-project of three Articles additional to the Slave Trade Convention of 28th July 1817, in consequence of the proposal, which, by your directions, I made to him upon that subject.

The first Article is in conformity with the draft inclosed in your Despatch, the second is somewhat different, and the third goes to determine the course to be adopted in the event of a Judge Arbitrator dying or becoming incapacitated, before the questions which he may have been chosen to give his opinion on, have been decided.

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Mr. J. B. Rademaker, to whom Mr. Pinheiro referred me, said, on my proposing to sign the two first Articles, and to submit the third to His Majesty's Government for their approbation, that he was only instructed to sign the three together.

(Signed) E. M. WARD.

The Right Hon. George Canning,
&c. &c. &c.

(*Inclosure in No.* 14.)

Signor Pinheiro Ferreira to E. M. Ward, Esq.

(Translation.) *Lisbon, December* 17, 1822.

THE Undersigned, &c. having laid before His Majesty the wish expressed by Mr. Ward, &c. that this Government should propose the additional Article, appearing to be a necessary Supplement to the Convention of July 28, 1817, concerning the nomination and attributes of the Commissioners-substitute, as well as the apprehension manifested by the said British Chargé d'Affaires, lest the delaying to sign the other Article, likewise additional, already discussed and agreed upon with Mr. Thornton, should seem to indicate a change of sentiment on the part of the Portuguese Ministry;— His Majesty has been pleased to authorise the Undersigned, not only to present to Mr. Ward the additional Articles relative to the Cases omitted, concerning the substitution of incapacitated Commissioners, but also to declare to him, that if his Court appeared to hesitate in adding to the Convention of 1817, a new Article relative to the proceedings hereafter to be held with ships employed in the Traffick of Slaves, it was not, as the Undersigned has already most expressly declared to Mr. Ward, in the Note which he had the honour to address to him on this subject, under date of the 23d ultimo, because the smallest doubt occurred to the Government of His Majesty in assenting to that addition; but because Mr. Ward, having declared to this Court, in his Note of the 15th of the same month, that Great Britain considered that Convention to be *ipso facto* abrogated by the separation considered by her as realized between the Portuguese States beyond the Sea, and those which in Europe are governed by the August House of Braganza, it seemed inconsistent that an Article should be signed in addition to that very Convention which one of the High Parties had declared to be abrogated.

Nevertheless, as His Majesty's Government on their part felt that they could not agree to the principles on which that declaration is founded, and as they hope that the British Cabinet will reduce its former proposition to those terms which the Undersigned did not hesitate to acknowledge, in the Answer upon this most important subject, which he had the honour to address to Mr. Ward, under date of the 12th instant; His Majesty determined, that, in order to remove every appearance of departure from the sentiments constantly professed by this Court towards the British Nation, a Negotiator should be appointed, and he has actually been appointed by Him, in order to conclude and sign, conjointly with Mr. Ward, all the before-mentioned additional Articles: and the Undersigned has the satisfaction to communicate to Mr. Ward, that to this end, Full Powers have been given to the Chevalier Jose Bazilio Rademaker, Senior Clerk in this Foreign Office, who, in conformity with his instructions, will have the honour to confer with him, for the purpose of adjusting and concluding the subjects in question, in the manner most conformable to the generous and liberal principles of both Governments.

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The Undersigned has accordingly the honour to inclose to Mr. Ward a draft of the above-mentioned additional Articles, which is to serve as a basis for the aforesaid Negotiation.

The Undersigned, in affording to Mr. Ward this fresh proof of the earnest desire of His Majesty's Government to correspond to the nobleness and loyalty which characterise the British Nation, has the honour, &c.

(Signed) SILVESTRE PINHEIRO FERREIRA.

E. M. Ward, Esq.
&c. &c. &c.

(*Second Inclosure in No.* 14.)

(Translation.)

Portuguese *Contre Projêt* of Additional Articles to the Convention between His Most Faithful Majesty and His Britannick Majesty, for the prevention of the illegal Traffick in Slaves,—signed at London, July 28, 1817.

ARTICLE I.

WHEREAS it is stipulated in Article I. of Instructions intended for the Portuguese and British ships of war, employed to prevent the illicit Traffick in Slaves, that "ships on board of which no Slaves shall be found, "intended for purposes of traffick, shall not be detained on any account "or pretence whatsoever."—And whereas it has been found by experience, that vessels employed in the illegal traffick, have momentarily unshipped their Slaves, immediately prior to their being visited by ships of war, and that such vessels have thus found means to evade forfeiture, and have been enabled to pursue their unlawful course with impunity, contrary to the true object and spirit of the Convention above-mentioned:

The Two High Contracting Parties feel it necessary to declare, and it is hereby declared by them, that if there shall be clear and undeniable proof that a Slave or Slaves has, or have, been put on board a vessel, for the purpose of illegal traffick, in the particular voyage on which the vessel shall be captured, then, and on that account, according to the true intent and meaning of the stipulations of the Convention, such vessel shall be detained by the Cruizers, and finally condemned by the Commissioners.

ARTICLE II.

Whereas no provision is made in the Convention of July 28th 1817, for supplying the vacancies occurring in the Commissions from any other cause than death, this being the only case mentioned in the fourteenth Article of the Regulation for the Mixed Commissions, annexed to the said Convention;—the Two High Contracting Parties hereby agree, that, whatever be the cause of incapacity of any of the Commissioners, his Place shall be supplied in the same form and manner in which, by the fourteenth Article of the Regulation aforesaid, a vacancy occurring by death is to be supplied.

ARTICLE III.

And whereas, it being agreed in the third Article of the said Regulation, that in the event of the two Commissary Judges not agreeing on the sentence they ought to pronounce, they shall draw by lot the name of one of the two Commissioners of Arbitration, and that the sentence shall be pronounced conformably to the opinion of the majority of the above-mentioned Commissary Judges, and the above-mentioned Commis-

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sioner of Arbitration: yet it is not declared, whether, in case of the decease or incapacitation, from whatever cause, of the said Commissioner of Arbitration, thus designated by lot for the said purpose, his Successor in the Office shall also succeed to him in the object which he was about to decide by forming the aforesaid majority,—or whether lots shall again be drawn between him and the other Commissioner of Arbitration, in the same manner that had been practised with his Predecessor: Their Majesties have agreed in declaring, that the succession in this case shall be determined only as to the Office, and that after he shall have been installed therein, lots shall be drawn between him and the other Commissioner of Arbitration, in the manner practised with his Predecessor.

These three additional Articles of the said Convention shall have the same force and effect as if they were inserted therein word for word, and shall be held to form part of the same.

In witness whereof, the Undersigned, furnished with Full Powers to that effect, have signed these additional Articles, and have thereunto affixed the Seal of their Arms.

Done at..... the.. .. day of..... 182 .

(Signed) (Signed)

(L. S.) (L. S.)

No. 15.

Joseph Planta, jun. Esq. to E. M. Ward, Esq.

SIR, *Foreign Office, December* 26, 1822.

I AM directed by Mr. Secretary Canning to refer you to the subject of his Despatches of the 30th of September,* relative to the proposed additional Articles to our Slave Trade Treaty with Portugal, and to acquaint you that intelligence has been received from His Majesty's Minister at Madrid, stating that two Articles, similar to those above referred to, have been signed by the Spanish Minister; and also from His Majesty's Ambassador at the Court of the Netherlands, stating that they have been likewise accepted by His Netherlands Majesty's Government. Mr. Secretary Canning is, in consequence, very anxious to hear that your Negociations with the Government of His Most Faithful Majesty on this subject have been attended with satisfactory results.

I am, &c.

E. M. Ward, Esq. (Signed) JOSEPH PLANTA, JUN.
&c. &c. &c.

* See Netherlands, Nos. 10 and 11.

No. 16.

Mr. Secretary Canning to E. M. Ward, Esq.

SIR, *Foreign Office, January* 22, 1823.

I HAVE received your Despatch of the 23d of December last, inclosing Mr. Pinheiro's counter-project of three additional Articles to the Slave Trade Convention of the 28th of July 1817.

His Majesty's Government are sorry to perceive that the Court of Portugal objects to sign the two Articles proposed by this Country, unless another Article is added to them, stipulating, that, in the case of a vacancy occurring in the arbitration, pending the judgment of a cause by the Arbitrator of either Nation, lots should again be drawn to determine whether the Arbitrator of the other Nation should not decide the cause.

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The Court of Spain, as the Portuguese Government are aware, have already consented to sign the two first-mentioned Articles without any condition; the Court of the Netherlands have done the same. His Majesty's Government hope, therefore, that the Portuguese Government, upon further consideration, will not determine to stand alone in the rejection of them; but will concur with the Courts of Spain and the Netherlands in admitting an addition to the Treaty so entirely accordant with the spirit in which it was concluded. The third proposed Article stands on so different a ground that it must be reserved for separate consideration.

I am, &c.

E. M. Ward, Esq. &c. &c. &c. (Signed) GEORGE CANNING.

No. 17.

Henry Chamberlain, Esq. to Mr. Secretary Canning.—(Received April 17.)

SIR, *Rio de Janeiro, January 25, 1823.*

I BEG leave to forward, inclosed, a List of the number of Slaves imported into this Port during the year 1822, shewing that out of thirty-one thousand two hundred and forty embarked, three thousand four hundred and eighty-four died on the passage, and twenty-eight thousand two hundred and forty-six were landed.*

Five of the vessels named in the List, viz:

Desengano	with	320 Slaves
Toninha	—	256 —
Bom Fim	—	333 —
Victoria	—	100 —
Estrella	—	79 —

came from Bahia, and the whole of their cargoes were believed to consist of Negroes from the Gold Coast, although it would be difficult to prove it.

I have the honour to be, &c.

The Right Hon. George Canning, &c. &c. &c. (Signed) H. CHAMBERLAIN. Consul General.

* See Note at the end of the List.

(Inclosure in No. 17.)

List of Slaves imported from the Coast of Africa into Rio de Janeiro during the year 1822.

Date of arrival.		Description.	Name of Vessel.	From whence.	No. embarked.	Died on passage.	No. Landed.
1822.							
January	2d	— Ship —	S. José Americano	— Cabinda —	808	58	750
	5th	— Brig —	— Golfinho —	— Ditto —	417	—	417
	10th	— Ditto —	— Aurora do Cabo —	Moçambique	492	194	298
	17th	— Ditto —	— Landoff —	— Ditto —	428	15	413
	18th	— Ditto —	— Paquete do Rio —	— Cabinda —	470	10	460
	20th	Schooner	— Liberal —	— Zaire —	145	—	145
February	1st	— Brig —	— Amazona —	Moçambique	465	43	422
	2d	— Ship —	Conceiçao Esperança	— Ditto —	389	124	265
	6th	— Brig —	— Flor de Lima —	— Angola —	467	60	407
	11th	— Ditto —	— Esperança —	Benguella	431	29	402
	14th	— Ditto —	Triumfo do Brazil	Moçambique	532	131	401
	15th	— Ditto —	— Senhor da Guia —	Quelemane	529	93	436
	19th	Schooner	— Maria Thomasia —	— Angola —	470	60	410
	20th	— Brig —	— Ulysses —	Moçambique	631	213	418

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Date of arrival.	Description.	Name of Vessel.	From whence.	No. embarked.	Died on passage	No. Landed.
1822.						
February 20th	— Brig —	— Trajano —	— Cabinda —	462	2	460
22d	— Ditto —	— Zephiro —	Quelemane	504	21	483
23d	— Ditto —	— Mercurio —	Benguella	420	36	384
24th	Schooner	— Leopoldina —	Quelemane	481	33	448
26th	— Ditto —	— Marianna —	Moçambique	520	140	380
March 2d	— Brig —	— Minerva —	Quelemane	487	12	475
5th	Schooner	Principe Regente	— Cabinda —	681	17	664
2d	— Brig —	— Principe Real —	Benguella	334	—	334
9th	— Ship —	Vinte seis de Fevereiro	Moçambique	623	127	496
12th	— Brig —	— Abismo —	— Angola —	305	66	239
14th	— Ditto —	General Sampayo	— Ditto —	465	113	352
26th	— Ditto —	— General Silveira —	Quelemane	460	54	406
—	— Ditto —	Conde dos Arcos	— Ditto —	477	52	425
—	— Ditto —	Mariana Daphne	— Angola —	479	104	375
27th	— Ship —	— Feliz Eugenia —	Moçambique	672	217	455
—	— Brig —	— Dezengano —	— Bahia —	320	—	320
April 16th	— Ship —	So. Antonio Destimido	— Angola —	747	228	519
18th	— Ditto —	— Maria —	— Cabinda —	448	69	379
—	— Brig —	— Santa Roza —	— Ditto —	313	22	291
23d	— Ditto —	Senhora do Baluarte	Quelemane	418	215	203
29th	— Ditto —	— Vulcano —	— Loanda —	390	28	362
May 4th	— Ditto —	Conceiçao e Passos	— Angola —	450	49	400
8th	— Ditto —	— Reino do Brazil —	Benguella	425	37	388
June 6th	— Ditto —	— Gram. Penedo —	— Cabinda —	459	27	432
—	Schooner	— Urania —	— Angola —	302	34	268
7th	— Ship —	— Amalia —	— Ditto —	760	153	607
—	— Ditto —	Sa. Anna Flor de Loanda	— Cabinda —	545	11	534
26th	— Brig —	— Ligeiro —	— Benguela —	408	18	390
27th	Schooner	— Toninha —	— Bahia —	256	—	256
July 20th	— Brig —	So. Joze Deligente	— Cabinda —	428	—	428
22d	— Ditto —	— Bom Fim —	— Bahia —	333	—	333
25th	— Ship —	— Mercantil —	— Angola —	733	38	695
August 19th	— Brig —	— Victoria —	— Bahia —	100	—	100
—	— Ditto —	Seis de Fevereiro	— Artibrixe —	467	1	466
September 3d	— Ship —	— Flor do Brasil —	— Angola —	655	83	572
5th	— Brig —	— Cacador —	— Ditto —	595	60	535
9th	— Ditto —	— Tejo —	— Ditto —	472	96	376
24th	— Ditto —	— Adamastor —	Benguella	525	1	524
—	Schooner	— Estrella —	— Bahia —	79	—	79
30th	— Brig —	Marquez de Pombal	Benguella	300	2	298
—	— Ditto —	— Victoria —	— Ditto —	100	—	100
October 4th	— Ditto —	— General Rego —	— Angola —	515	48	467
21st	— Ditto —	— Poliphemo —	— Cabinda —	438	4	434
22d	— Ditto —	— Trajano —	Benguella	410	3	407
30th	— Smack —	Bella Americana	— Cabinda —	351	—	351
November 1st	— Brig —	— Golfinho —	— Cabinda —	470	—	470
4th	— Ditto —	— Paquete do Rio —	— Ditto —	499	4	495
5th	— Ditto —	— Esperança —	— Angola —	535	13	522
14th	— Ditto —	— Ditto —	Benguella	431	6	425
30th	— Ditto —	— Imperador Feliz —	— Angola —	617	76	541
December 3d	— Ditto —	— Aurora do Cabo —	Quelemane	497	45	452
8th	— Ditto —	Triumfo do Brasil	— Cabinda —	338	3	335
18th	— Ditto —	Africano Constitutional	Quelemane	639	49	590
28th	— Ditto —	Conceiçao e Passos	— Angola —	451	30	421
—	— Ditto —	— Pastora de Lima —	Benguella	467	7	460
			Total,	31240	3484	28246

Note. By a Return subsequently received from Mr. Commissioner Hayne, the Numbers are stated as follows:—

Embarked - - - - -	31240
Died on Passage - - -	3456
Landed - - - - - -	27784

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No. 18.

Henry Chamberlain, Esq. to Mr. Secretary Canning. — (Received April 30.)

SIR, *Rio de Janeiro, February* 20, 1823.

I HAVE the honour to transmit you the inclosed Returns, which I have received from Mr. Consul Pennell, of the number of Slaves imported into Bahia during the year 1822.

The first vessel on the List is openly stated to have come from the Gold Coast.

I have the honour to be, &c.

(Signed) H. CHAMBERLAIN.

The Right Hon. George Canning,
&c. &c. &c.

(First Inclosure in No. 18.)

A Return of the Number of Slaves imported into Bahia, from 1st January to 30th June 1822.

Date of Arrival.	Description of Vessel.	Name.	Captain.	Whence.	No. of Negroes. Embarked.	Dead.	Landed.	Observations.
1822								
Jan. 1st	Brig	Santa Anna	——	Coast of Mina	228	12	216	The greater portion of these Slaves are supposed to be imported from those parts of Africa prohibited by the Treaty.
17th	Smack	— Sacramento —	——	Molembo	201	5	196	
19th	Ditto	— Alegria —	——	— Ditto —	170	2	168	
30th	Ditto	— Luzitania —	——	— Ditto —	173	8	165	
——	Ditto	— Rosalia —	——	— Ditto —	152	6	146	
Feb. 8th	Brig	— Desengano —	——	— Ditto —	372	18	354	
Mar. 1st	Ditto	— Bom Fim —	——	— Ditto —	70	13	57	
——	Ditto	— Victoria —	——	— Ditto —	421	9	412	
4th	Ditto	Paquete da Bahia	——	— Cabinda —	307	7	300	
14th	Ditto	— Vigilante —	——	Molembo	430	0	230	Was boarded in lat. 2.4. N. by an Insurgent Privateer, who took 200 Slaves from her.
16th	Ditto	— Uniao —	——	— Ditto —	371	16	355	
Apr. 5th	Schooner	Bella Estrella	——	— Ditto —	43	3	40	
11th	Smack	— Fé —	——	— Ditto —	48	0	48	
13th	Ditto	— Americana —	——	— Ditto —	47	3	44	
——	Schooner	— Lucrecia —	——	— Angola —	304	14	290	
15th	Smack	— Avoador —	——	Molembo	94	0	94	
27th	Ship	— Cisné —	——	— Ditto —	419	10	409	
May 16th	Brig	Maria da Gloria	——	— Ditto —	395	14	381	
22d	Smack	— Toninha —	——	— Ditto —	263	12	251	
23d	Brig	— Zefiro —	——	— Ditto —	380	23	357	
					4888	175	4513	

(Signed) W. PENNELL.

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(Second Inclosure in No. 18.)

A Return of the Number of Slaves imported into Bahia, from 1st July to 31st December, 1822.

Date of Arrival.	Description of Vessel.	Name of Vessel.	Captain.	Whence.	No. of Negroes Embarked.	No. of Negroes Died.	No. of Negroes Landed.	Observations.
1822.								
July 14th	Smack	Sacramento	Joze Joaqm. Vellozo	Molembo	198	13	185	The greater portion of these Slaves are supposed to be imported from those parts of Africa prohibited by the Treaty.
26th	Ditto	— S. Yoao —	— Joao Sabino —	Ditto	168	8	160	
—	Schooner	— Sa. Estrella—	Cosme Joze Rodrigues	Ditto	179	9	170	
Sept. 21st	Ship	— Vigilante —	Joa. Miz. da Costa	Ditto	246	3	243	
Oct. 19th	Smack	— Alegria —	— Joa. Maurino —	Angola	332	17	315	
29th	Brig	— Conceiçao —	—Manoel Joaquim —	Molembo	365	13	352	
Nov. 9th	Smack	— Afra —	Pascoal de Sza. Neves	Ambris	186	4	182	
11th	Brig	— Amazona —	Martinho Je Baptista	Molembo	226	0	226	
15th	Schooner	— Uniao —	Marcelin Alz. da Crus	Ditto	297	0	297	
23d	Brig	Maria da Gloria	Joao J. da Foncua	Ditto	389	8	381	
24th	Ditto	Divina Providencia	Joao Bapta. Coelho	Ditto	178	5	173	
30th	Schooner	— Constituçao—	Joaquim Luis de Araujo	Ditto	264	1	263	
Dec. 4th	Smack	— Lusitania —	Miguel Ant. Neto	Ditto	196	0	196	
					3221	81	3143	

(Signed) W. PENNELL.

No. 19.

Mr. Secretary Canning to E. M. Ward, Esq.

SIR, *Foreign Office, March 21, 1823.*

IN reference to the Communications on which you have been instructed to address the Government of His Most Faithful Majesty, respecting the Traffick in Slaves, carried on at the Portuguese Settlement of Princes Island; I now furnish you with a copy of a Despatch, dated the 10th of September 1822, from His Majesty's Commissioners at Sierra Leone, and of its Inclosure, stating the case of the *San José Xalaça*, captured in the attempt to supply the market of Prince's Island with Slaves.—Slaves are thence distributed with impunity to other parts of the Portuguese Dominions, in evasion of the restrictive provisions of the Treaty between Great Britain and Portugal.

You will, in communicating the purport of these Papers to the Portuguese Government, urge them to send out orders, which, by providing for the severe punishment of the Offenders, shall be effectual in deterring them from these nefarious practices. I am, &c.

E. M. Ward, Esq. &c. &c. &c. (Signed) GEORGE CANNING.

No. 20.

E. M. Ward, Esq. to Mr. Secretary Canning.—(Received April 15.)

(Extract.) *Lisbon, March 25, 1823.*

I HAVE now the honour to send home the two additional Articles to the Slave Trade Convention between Great Britain and Portugal, of the 28th

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of July 1817, which, in virtue of the Full Powers with which His Majesty was graciously pleased to invest me, I have negociated and signed with the Plenipotentiary named on the part of His Most Faithful Majesty.

The small deviations which you will remark in them from the original Drafts forwarded to me for my instruction, will not, I trust, be disapproved by The King. They were admitted by me as unimportant in comparison with the delay which my opposing them might occasion. I took upon myself to add the words "of either sex" when speaking of Slave or Slaves, on account of the ambiguity which might arise from the use of the Portuguese word "Escravo."

The Right Hon. George Canning, &c. &c. &c.

(Signed) E. M. WARD.

No. 21.

E. M. Ward, Esq. to Joseph Planta, jun. Esq.—(Received April 26.)

SIR, *Lisbon, April* 12, 1823.

I HAVE the honour herewith to forward the answer which the Portuguese Secretary of State returned to the representation founded on Mr. Canning's Despatch of September 30th, which I addressed to him.

I have the honour to be, &c.

Joseph Planta, jun. Esq. &c. &c. &c.

(Signed) E. M. WARD.

(Inclosure in No. 21.)

Signor Pinheiro Ferreira to E. M. Ward, Esq.

(Translation.) *Lisbon, November* 26, 1822.

THE Undersigned, &c. having received the two Notes addressed to him by Mr. Ward, &c. dated the 31st ultimo, and 3d instant, relative to the abuses committed in the Traffick of Slaves by the Portuguese ships *Conde de Villa Flor, Desengano,* and *Toninha;* abuses in which even some of the Constituted Authorities appear to have participated, proceeded, in consequence of the orders of His Majesty, before whom the said Notes were immediately laid, to such enquiries, by means of persons actually residing in this City, as might better enable the Undersigned to answer Mr. Ward concerning the facts therein set forth.

These preliminary steps not being, however, sufficient to obtain the desired information, orders have been issued for a more circumstantial investigation in the very Places where the facts were committed; whilst the most positive injunctions have been given, not only to the publick Authorities, but also to all Portuguese Subjects established in those Parts, to obey, with the most scrupulous exactness, the Treaties existing between the Two Crowns, as far as each is concerned. In the mean time the Undersigned can assure Mr. Ward, for the information of his Government, that His Most Faithful Majesty will not suffer even the most insignificant of the Stipulations agreed upon between the Two Crowns to be infringed with impunity, being assured that this is the only means for insuring a continuance of the good faith and harmony happily subsisting between them, and which the Portuguese Government considers as the strongest guarantee of the prosperity of these Kingdoms.

The Undersigned seizes, &c.

(Signed) SILVESTRE PINHEIRO FERREIRA.

E. M. Ward, Esq. &c. &c. &c.

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No. 22.

Mr. Secretary Canning to E. M. Ward, Esq.

(Extract.) *Foreign Office, April* 17, 1823.

HIS Majesty has seen with satisfaction that you have concluded and signed with the Portuguese Government the two additional Articles to the Slave Trade Treaty of the 28th of July 1817. His Majesty's Ratifications of these Articles will be forthwith prepared and transmitted to you, to be exchanged against those of The King of Portugal; and I have to signify to you His Majesty's gracious approbation of your conduct in this transaction.

(Signed) GEORGE CANNING.

E. M. Ward, Esq.
&c. &c. &c.

No. 23.

E. M. Ward, Esq. to Mr. Secretary Canning.—(Received May 11.)

(Extract.) *Lisbon, May* 2, 1823.

I AM happy to find that the alterations from the original Draft of the Slave Trade Articles, which were agreed to by me, have received His Majesty's most gracious approbation; for the honour conferred upon me, by the signification of which, through you, in your Despatch of the 17th of April, I feel duly grateful.

The Cortes having separated without approving them, The King's Ratification cannot yet be given; however, they are summoned extraordinarily for the 15th of this month.

The Right Hon. George Canning, (Signed) E. M. WARD.
&c. &c. &c.

No. 24.

E. M. Ward, Esq. to Mr. Secretary Canning.—(Received May 11.)

SIR, *Lisbon, May* 2, 1823.

I HAVE the honour to acquaint you that, in obedience to your commands, conveyed in your Despatch of the 21st of March, I addressed a representation, of which the inclosed is a copy, on the subject of the Portuguese sloop, *Xalaça*, engaged in the illegal Traffick in Slaves on the Coast of Africa, to the Minister for Foreign Affairs, whose answer I have likewise the honour to annex.

I have the honour to be, &c.

The Right Hon. George Canning, (Signed) E. M. WARD.
&c. &c. &c.

(*First Inclosure in No.* 24.)

E. M. Ward, Esq. to Signor Pinheiro Ferreira.

Lisbon, April 24, 1823.

The Undersigned, &c. has received the orders of his Government to address His Excellency, Signor Silvestre Pinheiro Ferreira, &c. in order to press upon the consideration of His Most Faithful Majesty's Governmen

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the expediency of applying some check to the malpractices carried on under the Portuguese flag, by the illegal Slave-traders of Princes Island.

The necessity that some check should be put to the Slave Trade in that quarter, is now rendered more evident by the case of the schooner-boat, *San Jozé Xalaça*, an abstract of which the Undersigned has the honour to inclose herewith.

This vessel belonged to Princes, and was owned by a relative of one of the principal Persons of the Island; the same who was engaged in the expedition of the schooner, *Conceiçao*, that was detained and condemned in the year 1821, for a breach of the Convention.

The *San José Xalaça* cleared out from Princes for Cabinda; but went direct for Calabar River, where she took in thirty Slaves.

The miseries attendant on this traffick are exemplified by the present case. It would appear that the system by which the illicit Slave Trade is pursued by the people of Princes Island, is to send small vessels to the large rivers in the vicinity of the Island, these vessels being more likely to escape detection, and to be more readily supplied with Slaves to feed the market at Princes. Such were the vessels detained by Sir George Collier in the year 1819; such the noted *Nova Felicidade;* such the *Conceiçao*, and *Defensora da Patria.* Accommodation on board these vessels there cannot be any; and when the voyage happens to be in the least protracted, as in the case of the Nova Felicidade, and as in the present case, from unfavourable weather, and from the ignorance and unskilfulness of the Masters, the consequence to the Slaves must be a state of extreme suffering. Although the distance betwixt Princes and the entrance of the Calabar, be only such as may be passed in five or six days in favourable weather, the San José Xalaça was six weeks at sea, after leaving the Calabar, and ten Slaves perished absolutely through hunger and thirst.

The British Commissioners at Sierra Leone entertain an opinion that the most effectual method of opposing the iniquitous traffick at Princes Island, would be by adopting some mode by which convicted Slave-dealers might be sent to a Portuguese Settlement, in order to their trial and transportation to Mozambique, the traffickers at Princes, when brought to Sierra Leone, shewing great dread of being transported to the Eastern Possessessions of the Crown of Portugal in Africa.

The necessity of a strict enforcement of the penalties of the Alvará prohibiting the Slave Trade to the North of the Equator, is evident; and the Undersigned hopes and trusts that the Government of His Most Faithful Majesty will send out orders, which, by providing for the severe punishment of the Offenders, shall be effectual in deterring them from the nefarious practices complained of.

He has the honour, &c.

Signor Silvestre Pinheiro Ferreira, &c. &c. &c.

(Signed) E. M. WARD.

(*Second Inclosure in No.* 24.)

Signor Pinheiro Ferreira to E. M. Ward, Esq.

(Translation.) *Lisbon, April* 26, 1823.

THE Undersigned, &c. has received and laid before The King the Note addressed to him by Mr. Ward, &c. dated the 24th instant, inclosing an abstract of the case of the schooner *San Jozé Xalaça*, belonging to Princes Island, and captured by the *Thistle*, brig of war, for Trafficking in Slaves to the North of the Equator. And the Undersigned has received

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orders to signify to him the great displeasure of His Majesty at the infractions of the Convention of the 28th July 1817, and that the Minister of Justice has been commanded to cause proceedings to be had against the delinquents with all the rigor of the Laws.

The Undersigned renews, &c.

(Signed) SILVESTRE PINHEIRO FERREIRA.

E. M. Ward, Esq.
&c. &c. &c.

No. 25.

Mr. Secretary Canning to E. M. Ward, Esq.

SIR, *Foreign Office, May* 24, 1823.

IN reference to my former instructions to you on the subject of the illegal Traffick in Slaves carried on by the subjects of Portugal, I forward to you, herewith, the copy of a Despatch which I have received from His Majesty's Commissioners at Sierra Leone on this subject.

From these Papers it appears that the Portuguese Authorities, notwithstanding the repeated engagements of their Government to the contrary, still continue to insert in the passports granted to vessels trading in Slaves, permission to call at the Cameroons, St. Thomas's, and Princes Island.

This pretence of a legal commerce to the North of the Line, is in reality incompatible with a Slave-trading voyage to the Stations, South of the Line, in which that trade is permitted to Portuguese subjects:—the real object such a permission can have, is to afford facility to illegal Slave Trade to the North of the Line.

In calling the attention of the Portuguese Government to these facts, and their consequences, I have to desire that you will use your utmost endeavours to impress upon them the urgent necessity of their putting a stop to these, and to other, flagrant violations of the solemn engagements which The King of Portugal has entered into with His Majesty.

As a more effectual precaution against this illicit traffick, I am to desire you will also endeavour to prevail upon them to adopt the measure suggested in the Postscript to my Despatch of the 31st of October 1822, of taking Bonds to a large amount from the Owners of vessels to whom passports may be granted to trade in Slaves to the Southward of the Line; the amount thereof to be forfeited to the Government, if the vessel be found trading to the Northward.

I am, &c.

E. M. Ward, Esq. (Signed) GEORGE CANNING.
&c. &c. &c.

(*Memorandum.*)

BY a private Letter, addressed by Mr. Ward to Mr. Planta, and dated the 21st of June, it appears, that (owing, probably, to the occurrences which had taken place at Lisbon,) the Ratifications of the Additional Articles to the Convention of the 28th of July 1817, had not yet been exchanged.

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CORRESPONDENCE

WITH OTHER

FOREIGN POWERS,

RELATING TO

THE SLAVE TRADE.

FRANCE.

No. 1.

Sir Charles Stuart to The Marquess of Londonderry.—(Received March 10.)

(Extract.) Paris, March 7, 1822.

SINCE the anxiety of His Majesty's Government to bring about an effectual abolition of the Slave Trade, has rendered the measures which are expedient for that purpose, the subject of much deliberation among the French Ministers, the communications of the several Associations formed in Great Britain and the United States for that object, press so strongly for an immediate interference on the part of the French Legislature, that it is probable, if the French Ministers do not come to the determination of adopting the suggestions of my Court, the Chambers will again take the initiative in the consideration of this question.

I have told The Vicomte de Montmorency that, if the Ministers should take the question into their own hands, they will avoid the bad effect which must inevitably arise from making the abolition a mere Party affair, and that I shall look forward with greater certainty to the attainment of the object which has so long, and so eagerly, been demanded, while, in the contrary alternative, a repetition of the disappointment must be expected, to which the Petitions brought forward on this subject have, in former years, given rise. Though His Excellency has not contested the justice of my reasoning, I have not been able, hitherto, to obtain from him any thing farther than a renewal of the assurances, contained in the Official Letter, sent home in my Despatch of the 7th ultimo.

(Signed) CHARLES STUART.

The Marquess of Londonderry, K. G.
&c. &c. &c.

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No. 2.

Sir Charles Stuart to The Marquess of Londonderry.—(Received April 4.)

(Extract.) Paris, April 1, 1822.

I HAVE the honour to acquaint Your Lordship that a motion, by The Duke de Broglie, respecting the abolition of the Slave Trade, was brought forward in the Chamber of Peers on Thursday last, in the form of a proposition that an Address should be carried up to the Throne, requesting, in compliance with the Engagements contracted under Treaties with Foreign Powers, that the new Laws may be enacted which His Majesty deems necessary to prevent this traffick.

The opposition to this motion was founded principally upon the informality of an Address brought forward in an indefinite shape, an argument of which the adversaries to the measure appeared extremely anxious to take advantage; and, after some discussion, they succeeded in carrying a motion for an adjournment by a large majority.

(Signed) — CHARLES STUART.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 3.

Sir Charles Stuart to The Marquess of Londonderry.—(Received April 7.)

(Extract.) Paris, April 4, 1822.

THE Chamber of Deputies on Monday began the examination of the expense of the Marine and Colonies. M. Benjamin Constant availed himself of the opportunity to call the attention of the Chamber to the representations which have been received respecting the continuation of the Slave Trade, and though he was answered by the Minister of the Marine, and by M. Lainé, they appeared anxious to avoid committing the interests of the Government, by proposals in the Chamber which are likely to fail, rather than desirous to check the evil which is admitted on all sides to exist.

(Signed) CHARLES STUART.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 4.

Sir Charles Stuart to The Marquess of Londonderry.—(Received April 11.)

(Extract.) Paris, April 8, 1822.

I WAITED until the termination of the discussion in the Chamber of Deputies, upon the expenses of the Colonial Department, had given me a full conviction that it is not the intention of the French Ministers to bring forward any proposition this Session, which is calculated to remedy the defects in the French Laws for the abolition of the Slave Trade, before I resolved to carry into effect the instructions contained in Your Lordship's Despatch of the 26th ult. which reached me on Monday last.

It was not till yesterday that I spoke to The Vicomte de Montmorency on the subject, when the same representations on both sides, which have been

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detailed upon many similar occasions in the course of my correspondence, were again repeated. I therefore determined to carry to His Excellency's knowledge the facts detailed in Your Lordship's Letter, by compressing the whole into the shape of the official Note, of which I have the honour to inclose a copy.

(Signed) CHARLES STUART.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(Inclosure in No. 4.)

Sir Charles Stuart to The Vicomte de Montmorency

SIR, Paris, April 7, 1822.

A SUCCESSION of fresh outrages renders it again my duty to observe to Your Excellency, that the pledge given to His Britannick Majesty by The King of France for the effectual abolition of the Slave Trade, remains unredeemed.

At a moment when the enactments of the American and Spanish Legislatures have shewn the cordial inclination of those Nations, to concur in measures for the attainment of an object so important to humanity, the official advices received by His Britannick Majesty's Government from Sierra Leone, dated in January, prove that this detestable traffick still exists in full activity on the African Coast, covered and protected by the flag of France.

During the months of July and August last, the Leeward Coast being visited by British Cruizers, three French Slave-traders, as by the inclosed list, were met with and examined on the Calabar River.

At the same period the River Bonny was found swarming with Slave-traders, and Your Excellency is furnished with a list of the vessels which abused and disgraced the French flag; four having their cargoes on board.

On the line of Coast between Sierra Leone and Cape Mount, one of His Britannick Majesty's vessels, during a cruize only of ten days, fell in with nine French Slave-traders, of which I likewise transmit Your Excellency the names.

Though these facts sufficiently shew Your Excellency the advantage taken of the inadequacy of the Regulations of France, to put a stop to this odious traffick, there are other cases in which particulars cannot be obtained. Accounts of undoubted authority, and of recent date, from the Factory of the Gallinas, state that, in the course of last summer, three Slave-vessels under French colours were lying in that Port; that a large Slave-vessel, fully laden, had sailed from Shevar, under the same flag, ten days before; and that, about the same time, in the river Pongas, a French schooner, M. Dees, Master, took on board ninety-five Slaves, while, besides the ordinary exportation in large vessels, an extensive carrying-trade is kept up with the Cape de Verd Islands, principally by the small craft belonging to Goree and Senegal.

There seems indeed to be scarcely a spot on that Coast which does not shew traces of the Slave Trade, with all its attendant horrors, for the arrival of a Slave-ship in any of the Rivers on the Windward Coast, being the signal for war between the Natives, the hamlets of the weaker party are burnt, and the miserable survivors carried and sold to the Slave-traders.

It is clearly ascertained, by enquiries made on the spot, and on the adjacent Coast, by His Majesty's cruizers, that the number of Slave-cargoes taken out of the River Bonny in the preceding year, amounted actually to one hundred and ninety, and a similar return from the Calabar, for the like period, made a total for that River alone of one hundred and sixty-two.

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I have received the express commands of The King, my Master, to address to the Government of His Most Christian Majesty, an urgent representation of these distressing facts, which, if they prove any thing, prove that wherever the French flag appears, protection and impunity are granted to the Slave-trader, and that the abuse of the Laws enacted in France against this traffick, notwithstanding the allegations of the Party disposed to encourage the mischief, afford practical examples of the consequences which must result from this evil, by occasioning encroachments on the Territories of friendly Powers in Africa, and exciting bloody wars among the Natives.

The magnitude of the evil must compel the French Government now to determine, whether they will refuse to execute their Engagements, and sit down under the imputation of being the Power, to whom all those interested in such a cause turn their eyes, as the avowed Protector of this Commerce; or vindicate their character for good faith and humanity in the eyes of the rest of the world, by assimilating their legislation to that of those Countries which have the greatest interest in Maritime and Colonial affairs.

I have the honour to be, &c.

(Signed) CHAS. STUART.

The Vicomte de Montmorency,
&c. &c. &c.

No. 5.

Sir Charles Stuart to The Marquess of Londonderry.—(Received June 13.)

My Lord, Paris, June 10, 1822.

I AM to acknowledge Your Lordship's Letter of the 14th of May,* containing copies of the several Papers which have been laid before Parliament upon the subject of the Abolition of the Slave Trade.

The anxiety of The Vicomte de Montmorency to read these Papers induced me to avail myself of an early opportunity to send them to His Excellency, accompanied by the inclosed Note, in which I reminded him, that, since my various communications remain unanswered, he must not be surprised that the interests of France respecting this important subject, are in some degree separated from those of all other civilized Nations.

It is stated in the Moniteur of the 8th instant, that proceedings have been instituted by the Colonial Tribunals against individuals who have embarked in this Trade, but the silence of the Government in their communications with me upon the subject, throws a doubt upon these statements, which induces me to hesitate to give to them that credit to which I should otherwise have supposed them to be entitled.

I have the honour to be, &c.

The Marquess of Londonderry. (Signed) CHARLES STUART.
&c. &c. &c.

* Same as Netherlands, No. 4.

(*Inclosure in No. 5.*)

Sir Charles Stuart to The Vicomte de Montmorency.

Sir, Paris, June 5, 1822.

IN compliance with Your Excellency's wishes, I have the honour to inclose the Papers which have been laid before the British Parliament respecting the Slave Trade.

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I cannot but point out that the proofs they afford of a disposition to abolish this traffick on the part of Spain, and of the United States, offer a melancholy contrast to the result of the numerous overtures I have had the honour to address Your Excellency upon this subject. I therefore avail myself of the opportunity, not only to remind your Excellency that my various remonstrances remain unanswered, but that the persevering industry with which the Slave-traders still abuse the protection of the French flag, and the reluctance of the Government to adopt any measure which can check this evil, will, if continued, separate the views and interests of France upon this question from those of all other civilized Nations.

In the hope that the facts stated in these Documents will lead to resolutions which the interests of humanity, not less than the dignity of the French Court require;

I have the honour to be, &c.

The Vicomte de Montmorency. (Signed) CHARLES STUART.
&c. &c. &c.

No. 6.

The Marquess of Londonderry to Sir Charles Stuart.

SIR, Foreign Office, June 11, 1822.

IN reference to my former Despatches, relative to the Slave Trade carried on under the flag of France, I have the honour to inclose copies of Communications received by the Lords Commissioners of the Admiralty, on the subject of a vessel called the *Auguste*, fitted out at the Mauritius, and employed under the French flag, in carrying Slaves to the Isle of Bourbon. Your Excellency will take a favourable opportunity of communicating the facts stated in these papers, to the Government of His Most Christian Majesty, and of again calling their serious attention to this unpleasant subject.

I am, &c,

(Signed) LONDONDERRY.

His Excellency Sir Charles Stuart, G. C. B.
&c. &c. &c.

No. 7.

Sir Charles Stuart to The Marquess of Londonderry.—(Received June 27.)

(Extract.) Paris, June 24, 1822.

IN obedience to the directions contained in Your Lordship's Letter of the 11th instant, I have addressed the communication to The Vicomte de Montmorency which I inclose, pointing out a new infraction of the Law for the abolition of the Slave Trade, in the Island of Bourbon.

This representation has been acknowledged, in the Note I have likewise the honour to inclose, and I have since observed in the publick Papers, that M. Frappas, formerly Captain of His Most Christian Majesty's Goëlette *La Bacchante*, and two other Officers of the same rank, were landed in arrest at Nantes on the 17th, from on board a ship from the Isle of Bourbon, under a suspicion of their participation in this crime.

Notwithstanding repeated remonstrances, I have not hitherto been able to induce the French Ministers to communicate to me, officially, the particulars of the several prosecutions before the French Tribunals, respecting infractions of the Law upon this subject.

(Signed) CHARLES STUART.

The Marquess of Londonderry, K. G.
&c. &c. &c.

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(First Inclosure in No. 7.)

Sir Charles Stuart to The Vicomte de Montmorency.

SIR, Paris, June 15, 1822.

I HAVE received the instructions of my Government to forward Your Excellency the inclosed Correspondence, relating to several infractions of the Law for the suppression of the Slave Trade, by a vessel under French colours, named the *Auguste*, which appears to be carrying on this traffick between the Isle of Bourbon and the African Coast.

I have the honour to be, &c.

The Vicomte de Montmorency. (Signed) CHARLES STUART.
&c. &c. &c.

(Second Inclosure in No. 7.)

The Vicomte de Montmorency to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR, Paris, le 20 Juin 1822.

JE me suis empressé de transmettre à M. le Ministre de la Marine les pièces que Votre Excellence m'a fait l'honneur de m'adresser le 15 de ce Mois, et qui sont rélatives à differentes infractions aux Lois sur la Traite, qu'elle annonce avoir été commises par un bâtiment portant pavillon Français nommé *l'Auguste*. Je l'ai invité en même tems à faire prendre sur-le-champ des renseignemens sur les faits qui y sont signalés. Aussitôt que le résultat m'en sera connu, je m'empresserai d'en faire part à Votre Excellence.

J'ai l'honneur d'être, &c.

(Signé) LE VTE. DE MONTMORENCY.

Son Excellence Sir Charles Stuart,
&c. &c. &c.

(*Second Inclosure in No. 7.*)

The Vicomte de Montmorency to Sir Charles Stuart.

(Translation.) Paris, June 20, 1822.

I HASTENED to transmit to the Minister of the Marine the documents which Your Excellency did me the honour to address to me on the 15th of this month, relative to several infractions of the Laws for the suppression of the Slave Trade, which they state to have been committed by a vessel under French colours, named the *Auguste*. I have requested him, at the same time, to cause inquiries to be immediately instituted with regard to the facts which are therein detailed. As soon as the result thereof shall be made known to me, I will lose no time in communicating it to Your Excellency.

I have the honour to be, &c.

(Signed) LE VTE. DE MONTMORENCY.

His Excellency Sir Charles Stuart,
&c. &c. &c.

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No 8

The Marquess of Londonderry to Sir Charles Stuart.

SIR, Foreign Office, June 29, 1822.

I HAVE the honour to transmit to Your Excellency, copy of a Communication received from His Majesty's Consul at Bordeaux, respecting the fitting out at that Port, of two vessels suspected of being intended for the Slave Trade, and I have to refer Your Excellency on that subject to my former Correspondence.

I am, &c.

(Signed) LONDONDERRY.

His Excellency Sir Charles Stuart, G. C. B.
&c. &c. &c.

(*Inclosure in No.* 8.)

Mr. Consul Scott to The Marquess of Londonderry.

(Extract.) Bordeaux, June 15, 1822.

IN obedience to my instructions, I have the honour to inform Your Lordship that a brig, called the *Ulysse*, of 285 tons burthen, mounted with six guns, commanded by Captain * * *, and a schooner, called the *Penelope* (formerly the *Mulatta*) of 120 tons burthen, mounted with six guns, commanded by Captain * * *, brother of the Captain of the Ulysse, both belonging to * * * * * *, established here as a Merchant, have been fitted out in this Port under French colours, and are now about to sail from the river under every appearance of being destined for the Slave Trade.

They are both extremely sharp vessels, not at all calculated to carry merchandize, and are rigged expressly for fast sailing.

(Signed) H. SCOTT.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 9.

Sir Charles Stuart to The Marquess of Londonderry.—(Received August 11.)

MY LORD, Paris, August 8, 1822.

IN obedience to Your Lordship's directions, I have addressed the Note, of which I have the honour to inclose a copy, to the French Government, pointing out the reasons which justify a suspicion that several vessels have lately been fitted out for the Slave Trade, in the Port of Bordeaux.

The accompanying Answer, which reached me two days since, manifests the anxiety of the French Ministers to remedy this evil, and states that orders have been addressed to the different Authorities for that purpose. It would appear, however, if the number of Trials and Condemnations, which The Minister of the Marine asserts, (according to a report which has appeared in

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the Paris Journals,) to have taken place, are correctly stated, that the result of their efforts to suppress this commerce, prove that it has increased to an extent, infinitely beyond any calculation I could have permitted myself to bring forward in the year 1814.

I have the honour, &c.

(Signed) CHARLES STUART.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(*First Inclosure in No.* 9.)

Sir Charles Stuart to The Vicomte de Montmorency.

SIR, Paris, July 12, 1822.

I HAVE the honour to inform Your Excellency that a brig, called the *Ulysse*, of 285 tons burthen, mounted with six guns, commanded by Captain * * * and a schooner, called the *Penelope* (formerly the *Mulatta*) of 120 tons burthen, mounted with six guns, commanded by Captain * * *, brother of the Captain of the Ulysse, both belonging to * * * * *, established as a Merchant at Bordeaux, have been fitted out in that Port under French colours, and are now about to sail from the river under every appearance of being destined for the Slave Trade.

They are both extremely sharp vessels, not at all calculated to carry merchandize, and are rigged expressly for fast sailing. The Owner of these vessels is well known to have fitted out, and employed successfully, during the last four years, many vessels in the Slave Trade.

I have, &c.

Signed CHARLES STUART.

The Vicomte de Montmorency,
&c. &c. &c.

(*Second Inclosure in No.* 9.)

The Vicomte de Montmorency to Sir Charles Stuart.

MONSIEUR L'AMBASSADEUR, Paris, le 31 Juillet 1822.

PAR sa Lettre du 12 de ce mois, Votre Excellence m'a transmis des renseignemens qui lui ont été communiqués sur deux navires Français, *l'Ulysse* et la *Penélope*, commandés par * * * * armés à Bordeaux, pour être employés, suivant les apparances, à la Traite des Noirs. Je me suis empressé d'inviter M. Le Ministre de la Marine à se faire rendre compte des ces deux Armements.

Il vient de me repondre que l'Administration Maritime de Bordeaux a été chargée de surveiller, de concert avec le Ministère Public, ces expéditions.

Elles seront l'objet d'une enquête judiciaire, si les preuves de leur culpabilité sont acquises. A defaut de ces preuves, les deux bâtimens suspectés seront signalés aux Autorités des Colonies Françaises pour être l'objet d'une nouvelle surveillance.

Quant à * * * indiqué comme devant commander l'un de ces navires, M. Le Ministre de la Marine annonce qu'il vient d'être interdit des fonctions de Capitaine au long cours.

J'ai l'honneur, &c.

(Signé) LE VTE. DE MONTMORENCY.

Son Excellence Sir Charles Stuart,
&c. &c. &c.

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(*Second Inclosure in No. 9.*)

The Vicomte de Montmorency to Sir Charles Stuart.

(Translation.)

SIR, Paris, July 31, 1822.

BY your Letter of the 12th instant, Your Excellency acquainted me that you have received information of two French ships, the *Ulysse* and the *Penelope*, commanded by * * * * and fitted out at Bordeaux, to be employed, according to appearance, in the Slave Trade. I hastened to request the Minister of Marine to cause an enquiry to be made concerning these two ships.

He has just informed me that the Maritime Administration of Bordeaux has been ordered, conjointly with the Publick Authorities, to keep a watchful eye over these expeditions.

They will have judicial proceedings instituted against them, if evidence should be obtained of their having transgressed the Law. In default of such evidence, the two suspected vessels will be pointed out to the Authorities in the French Colonies, in order that they may again be watched. As to * * * * * who is stated as having the command of one of these vessels, I have been informed by the Minister of Marine that that Officer has just been suspended from his functions, as Captain for long voyages.

I have, &c.
(Signed) LE VTE. DE MONTMORENCY.

His Excellency Sir Charles Stuart,
&c. &c. &c.

No. 10.

The Vicomte de Chateaubriand to Earl Bathurst.

Londres, le 16 Août, 1822.

LE Soussigné, Ambassadeur de Sa Majesté Très Chrétienne près Sa Majesté Britannique, a l'honneur de mettre sous les yeux de Lord Bathurst les faits suivants, dont il a été informé par M. Le Baron Seguier, Consul-Général de France à Londres.

Le bric Français *La Vigilante*, saisi par la croisière Angloise dans la rivière Bonny, sur la Côte d'Afrique, après un combat, où il y a eu du sang versé, est arrivé a Portsmouth : *la Petite Betsy* saisie dans les mêmes circonstances et dans les mêmes parages est entré depuis dans le même Port. Son équipage a été mis à terre sans secours et abandonné à son sort.

La France ne reconnait à aucune Puissance le droit de visiter ses bâtiments. Des sujets de Sa Majesté Très Chrétienne, arrêtés sous le pavillon Français, ne peuvent être sous-traits à leurs Juges naturels, et traduits devant les Tribunaux de La Grande Bretagne. L'Angleterre se plaindroit hautement et avec raison si un navire Français amenait à Brest, pour être jugé d'après les Loix de la France, un bâtiment pris sous pavillon Britannique.

Déterminé par ces considérations, et ayant reçu les ordres les plus positifs de sa Cour, le Soussigné demande officiellement aujourd'hui, que les dits bâtiments arrêtés, soient conduits immediatement à Cherbourg, où les delinquents seront jugés dans toute la rigueur des Loix de leur Pays.

Le Gouvernement Anglois a plusieurs fois reconnu l'incompétence de sa jurisdiction dans des cas à peu près semblables à celui dont il s'agit, et

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notamment dans l'affaire du navire *Le Louis* :—Il ne sera pas moins équitable dans la circonstance actuelle. Le Soussigné, convaincu que rien ne peut altérer la parfaite intelligence qui regne entre l'Angleterre et la France, attend en toute confiance le resultat le plus satisfaisant et le plus prompt, de la demande qu'il a l'honneur d'adresser à Lord Bathurst.

Il saisit cette occasion, &c.

Le Comte Bathurst, &c. &c. &c.

(Signé) CHATEAUBRIAND.

No. 10.

The Vicomte de Chateaubriand to Earl Bathurst.

(Translation.) London, August 16, 1822.

The Undersigned, His Most Christian Majesty's Ambassador to His Britannick Majesty, has the honour of laying before Lord Bathurst the following facts, which have been communicated to him by Baron Seguier, the French Consul General in London.

The French brig, the *Vigilante*, seized by an English cruizer in the river Bonny, on the Coast of Africa, after a combat in which blood was spilt, is arrived at Portsmouth ; the *Petite Betsy*, seized under the same circumstances, and in the same waters, is since arrived at the same Port. The crew was set on shore succourless and abandoned to their fate.

France does not acknowledge the right of any Power to search her ships. The subjects of His Most Christian Majesty, detained in a vessel under the French flag, cannot be withdrawn from their natural Judges and delivered over to the Tribunals of Great Britain. England would loudly complain, and with reason, if a French ship were to carry into Brest a vessel under British colours, there to be proceeded against according to the Laws of France.

Influenced by these considerations, and having received the most positive orders from his Court, the Undersigned now demands, officially, that the vessels, so detained, shall be immediately conveyed to Cherbourg, where the delinquents will be prosecuted with all the rigour of the Laws of their Country.

The English Government has frequently admitted the incompetency of its jurisdiction in cases nearly similar to the one in question, and particularly in the affair of the ship *Le Louis* : it will not act less equitably on the present occasion. The Undersigned, convinced that nothing can affect the perfect understanding which subsists between Great Britain and France, expects, with perfect confidence, the most prompt and satisfactory result to the demand which he has the honour of making to Lord Bathurst.

He avails himself, &c.

Signed CHATEAUBRIAND.

Earl Bathurst,
&c. &c. &c.

No. 11.

The Earl of Clanwilliam to The Vicomte de Chateaubriand.

(Confidential.) Foreign Office, August 21, 1822.

LORD CLANWILLIAM presents his compliments to the Vicomte de Chateaubriand, and is directed by The Secretary of State to acquaint His

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Excellency, in reference to his Note to Earl Bathurst, of the 16th instant, that orders have been sent to the Officers in charge of the two French Slave vessels, to proceed with them forthwith to Cherbourg, where the vessels, and the remainder of the crews, will, in compliance with His Excellency's wishes, be delivered up to the French Authorities.

His Excellency The Vicomte de Chateaubriand,
&c. &c. &c.

No. 12.

Mr. Secretary Canning to Sir Charles Stuart.

SIR, Foreign Office, September 30, 1822.

BY the accompanying copies of Papers, received at this Office in a communication from the Admiralty, dated the 1st of August 1822, Your Excellency will see, that, on the 15th of April preceding, the boats of His Majesty's ship *Iphigenia* were advancing, under British colours, towards two Spanish schooners, the *Vecua* and *Icanam*, at anchor in the River Bonny, and suspected of trafficking in Slaves; when a most unjustifiable attack was commenced on them by the schooners, supported by the fire of three vessels under the French flag, *La Vigilante*, *La petite Betsy*, and *L'Ursule*, which were then at anchor near the *Vecua* and *Icanam*.

The result of this wanton and lawless conduct, on the part of the vessels concerned was, that two British seamen lost their lives, and five were severely wounded.

After the action, which lasted twenty minutes, had ended, by the boarding of the vessels engaged in this unprovoked act of aggression, these vessels were detained by the Officer commanding His Majesty's boats, for the necessary purpose of ensuring that the Offenders should be brought to justice.

The vessels were, in the first instance, sent to Sierra Leone, and thence to England: two of them have arrived here. The opinion of His Majesty's Legal Advisers has been taken as to the proper mode of proceeding; and, in acquiescence with that opinion, no time has been lost in giving orders, that the vessels, and such portion of the crews as remained on board, should be sent to Cherbourg: The Vicomte de Chateaubriand, His Most Christian Majesty's Ambassador at this Court, having given the Official assurance of his Court, that the Delinquents should there be judged with all the rigour of the Laws of their Country.—I send you a copy of His Excellency's Note to this effect.

Such Documents, found on board the French vessels, as come under the description of Ships' Papers, heve been sent, together with the vessels, to be delivered up to the French Authorities at Cherbourg. The three inclosed Documents were the only papers which were not given up at the time, as not coming strictly under that description. Two of them are Letters, found on board the Ursule, containing instructions for her Commander; the third is a Declaration by the Officers of *La petite Betsy*, as to their abandonment of that vessel. They all tend to prove the real and determinate object of the voyage of these vessels, of which indeed there was elsewhere too evident proof; since one of them had three hundred and forty-three Slaves, another two hundred and eighteen Slaves, and the third two hundred and forty-seven Slaves on board; and all were armed.

The King commands me to direct Your Excellency to put the French Ministry in possession of the whole of these circumstances. You will urge that they be laid without delay before His Most Christian Majesty; and you will call upon the Government to institute immediate proceedings,

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agreeably to the assurances given by M. de Chateaubriand, for bringing to a condign punishment, those Subjects of France, who have committed this infringement upon the Relations of Amity which subsist between the two Nations.

You will state, that His Majesty rests assured that full reparation will be given to His Majesty for the insult committed upon His flag, and due satisfaction for the loss of the lives of His subjects. You will, at the same time, advert to the circumstance, that the vessels were engaged in a traffick, which His Most Christian Majesty has expressed His determination to put down by every means in His power.

You will transmit to the Ministry of His Most Christian Majesty the original Papers, herewith inclosed; and you will add the expression of His Majesty's hope, that this flagrant instance of illegal traffick, will be visited with the penalties which the French Laws have denounced against such offences.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency Sir Charles Stuart, G. C. B.
&c. &c. &c.

(Inclosures in No. 12.)

Documents found on board the Ships *L'Ursule* and *Petite Betsy*.

MONSIEUR, St. Pierre, Martinique, le 17 Novembre 1821.

VOUS trouverez ci-inclus facture de chargement du brick-goëlette L'Ursule, que vous commandez, lequel chargement je vous consigne et compte sur vos bons soins pour m'en tirer le parti le plus avantageux à mes intérêts. Vous partirez de ce Port pour vous rendre sur les Côtes d'Afrique pour y traiter, de morfil, poudre d'or, et autres produits de Pays, en échange avec votre cargaison; dans le cas où vous ne pourriez remplir mes instructions vous iriez à l'Ile des Princes, et vous rapporteriez pour vos retours des cafés; dans un cas comme dans l'autre, je vous recommande de choisir de belles marchandises.

Après votre chargement fini vous ferez votre retour à la Martinique.

Si contre mon attente vous ne pouviez faire une échange avec la cargaison que je vous confie contre, les marchandises mentionnées ci-dessus, vous iriez dans les comptoirs que vous jugerez les plus convenables, mais sur aucun prétexte que ce soit ne m'apportez aucun Noir, ni pour mon compte ni à frêt, sous peine de vous rendre responsable de tous dommages et intérêts qui pourraient me survenir.

St. Pierre, Martinique, le 21 Novembre 1821.

(Signé) JN. DELLEUX.

M. Bd. Douillé, Capitaine du Brick-Goëlette L'Ursule.

(Translation.)

SIR, St. Pierre, Martinique, November 17, 1821.

YOU will receive inclosed, the invoice of the cargo of the schooner-brig, L'Ursule, under your command, which cargo I consign to you, and rely upon your exertions for disposing of the same in the manner most advantageous to my interests. You will sail from this Port, and repair to the Coast of Africa, there to traffick for ivory, gold-dust, and other produce of the Country, in exchange for your cargo; in case you shall not be able to fulfil my instruc-

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tions, you will repair to Princes Island, and will bring back your returns in coffee. In either case I trust you will select articles of the best description.

As soon as your cargo shall be discharged, you will return to Martinique.

If, contrary to my expectation, you should not succeed in exchanging the cargo which I confide to you, for the articles above mentioned, you will take it to such markets as you may deem most advisable for that purpose; but do not, on any pretence whatsoever, bring me any Slaves, either on my own account, or on freight, under pain of becoming responsible for all damages and losses which I may thereby sustain.

St. Pierre, Martinique, November 21, 1821.

(Signed) JN. DELLEUX.

M. Bd. Douillé, Captain of the Schooner-Brig L'Ursule.

MONSIEUR, St. Pierre, Martinique, le 19 Novembre 1821.

VOUS ferez votre retour à Surinam, vous aurez le soin de rester très éloigné de l'embouchure de la rivière, vous enverrez avec votre chaloupe, votre Second à la ville sous le prétexte de faire des vivres, et vous reclamerez M. Rd. O'Ferrall, junior, à défaut M. Lamartinie, et vous ferez part à l'un, ou à l'autre, du sujet de votre mission; s'il y à facilité de pouvoir effectuer la vente sans danger, vous vous consignerez à M. O'Ferrall de préférence, avec la condition qu'il ne vous prendra que deux et demi pour cent. de Commission, vû que vous êtes Subrecargue de la cargaison, je ne veux point payer de garantie d'endossement; je préfère vendre ma cargaison à plus bas prix et avoir des Traites de toute solidité afin qu'elles ne reviennent point à protêt.

Si vous ne pouvez effectuer la vente à Surinam, vous viendriez à la Martinique, et vous irez débarquer votre cargaison sur l'habitation de M. Lalanne dans la Baie du Gallion près la Tartane et me le faire savoir de suite.

Dans le cas d'un malheur imprévû qui vous contrarieroit de faire votre retour dans l'un de ces deux Ports, vous iriez à Porto Rico, à St. Jago de Cuba, ou à l'Havane.

Dans l'un ou dans l'autre Port vous vendrez toujours de préférence en espèces, à défaut des Traites sur France, L'Angleterre, ou sur les Etats-Unis d'Amérique, ou en denrées, café de préférence, ou coton à défaut de sucre blanc, seulement en caisses :—payé plus cher mais de 1 ère qualité.

CONSIGNATIONS.

à l'Havane..... Messrs. Hernandez et Chauviteau.
à St. Jago de Cuba..... M. Casamajor.
à Porto-Rico..... M. Boyrie.

De préférence la Havane, le morfil se vend mieux.

Signal,
Pavillon Français à la corne.
Pavillon blanc au mât de misaine pour signal de reconnaissance.

Quoi qu'il soit dit en l'autre part que le Capitaine Douillé remplit les fonctions de Subrecargue, il n'aura le droit de reclamer aucun salaire en cette qualité.

Si la dite vente s'effectue dans toute autre Colonie que celle de la Martinique, le Capitaine Douillé est autorisé de rester jusqu'au tems que la vente soit terminée, afin qu'il puisse me rapporter le net produit de la cargaison.

St. Pierre, Martinique, le 21 Novembre 1821.

(Signé) JN. DELLEUX.

M. Douillé, Capitaine du Brick Goëlette L'Ursule.

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(Translation.)

SIR, St. Pierre, Martinique, November 19, 1821.

YOU will return to Surinam; you will be careful to remain at a distance off the mouth of the river; you will send your Mate to the Town in your boat, under pretence of obtaining provisions, and will enquire for Mr. Richard O'Ferrall, junior, or, not finding him, M. Lamartinie; and you will communicate to either of them the object of your mission; if there should be means of effecting the sale without danger, you will address yourself to Mr. O'Ferrall in preference, on condition that he take only two and a half per cent. Commission, considering that you are Supercargo. I do not wish to pay for the warranty of endorsement, I would rather sell my cargo at a lower price, and have good bills, so that they may not return protested.

If you should not be able to effect the sale at Surinam, you will come to Martinique, and will endeavour to land your cargo at the residence of M. Lalanne, in the Bay of Gallion, near Tartane (la Tartane,) and immediately advise me thereof.

In case any unforseen misfortune should preclude your returning to either of the two Ports above-mentioned, you will go to Porto Rico, to St. Jago de Cuba, or to the Havannah.

In either of these Ports you will, in default of Bills on France, England, or the United States of America, sell in preference for specie, or for goods,—preferring coffee or cotton,—or, if you cannot procure these, white sugar, in chests only: give a good price, but let them be of the best quality.

CONSIGNMENTS.

At the Havannah.. ... Messrs. Hernandez and Chauviteau.
At St. Jago de Cuba.... Mr. Casamajor.
At Porto Rico .. .. Mr. Boyrie.

Give the preference to the Havannah, where ivory sells best.

Signal,

The French flag at the gaff.

A white flag at the mizen-mast, for a signal of recognition.

Although it be said above that Captain Douillé fulfils the duties of Supercargo, he is not to claim any pay in that character.

If the said sale should be made in any other Colony than Martinique, Captain Douillé is authorized to remain until such time as the sale shall finish, in order that he may bring me back the net produce of the cargo.

St. Pierre, Martinique, November 21, 1821.

(Signed) JN. DELLEUX.

M. Douillè Captain of the Schooner-Brig L'Ursule.

A bord du Brick, Petite Betsy, le 20 Avril 1822.

NOUS, Capitaine, Subrecargue et Officiers du dit navire, déclarons par la presente que le quinze du present mois, nous avons été abordé par les embarcations de la frégate Anglaise, Iphigénie, et de la corvette Myrmidon, lesquels nous ont trouvés employés au Commerce des Esclaves, en ayant à bord deux cent dix huit. Déclarons en outre abandonner toute prétention sur le Navire et sa cargaison, abandonnant le tout aux Capteurs.

En foi de quoi nous avons signé le present papier.

(Signé) S. LORRY Subrecargue. (Signé) J. L. POIRCAN. Capitaine.
J. ST. BOIRENFANT. E. BERTRAND, 2d Lieut.

(Witness) W. P. BROWNE.
ROBERT WHITELAW.

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(Translation.)

On board the Brig, Petite Betsy, April 20, 1822.

WE, the Captain, Supercargo, and Officers of the said vessel, hereby declare, that on the fifteenth of this month, we were boarded by the boats of the English frigate Iphigenia and of the Myrmidon, corvette; which found us engaged in the Traffick of Slaves, with two hundred and eighteen on board. We moreover declare, that we abandon all claim to the vessel and her cargo, giving up the whole to the Captors.

In witness whereof, we have signed the present paper.

(Signed) S. LORRY, Supercargo. (Signed) J. L. POIRCAN, Captain.
J. ST. BOIRENFANT. E. BERTRAND, 2d Lieut.

(Witness.) W. P. BROWNE.
ROBERT WHITELAW.

No. 13.

Sir Charles Stuart to Mr. Secretary Canning.—(Received October 13.)

(Extract.) Paris, October 10, 1822.

IN obedience to the directions conveyed in your Despatch of the 30th ultimo, I have availed myself of an early opportunity to call the attention of the French Government to the outrage which was committed in the month of April, by the crews of three French vessels in the River Bonny, to require the satisfaction His Majesty is entitled to expect for the offence against His flag, and the murder of His subjects; and, with reference to the Address from Parliament, conveyed in Lord Bathurst's Despatch of September 6th,* to point out that this new proof of the multiplied evils, resulting from the continuation of the Slave Trade, calls for some measure to give effect to the Laws which have been enacted, in virtue of His Most Christian Majesty's engagements, to put an end to that traffick.

Monsieur de Villèle assures me that the question has been brought before the Tribunals, and that the various condemnations for the infraction of the existing Laws which have taken place, prove the desire of the Ministers to prevent the acquittal of any Person who has participated in crimes of this nature.

(Signed) CHARLES STUART.

The Right Hon. Charles Stuart,
&c. &c. &c.

* See Netherlands, No. 10.

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(Inclosure in No. 13.)

Sir Charles Stuart to M. de Villèle.

SIR, Paris, October 5, 1822.

ON the 15th of April of the present year, the boats belonging to His Britannick Majesty's ship the Iphigenia, were sent, under British colours, to examine two Spanish schooners, the *Vecua* and *Icanam*, lying in the River Bonny, suspected to be trafficking in Slaves. The crews of these vessels, supported by three French ships, La Vigilant, La petite Betsy, and L'Ursule, which were at anchor in the same River, commenced a most unjustifiable attack on His Majesty's Officers and Men, and the result of this wanton and lawless conduct was, that two British seamen lost their lives, and five were severely wounded.

After the action, the Officer commanding His Majesty's boats took possession of the Vigilant, La petite Betsy, and the Ursule, for the necessary purpose of bringing the Offenders to justice; they were in the first instance sent to Sierra Leone, and from thence to England, where no time was lost in giving orders that the vessels, and such portion of the crews as remained on board, should be sent to Cherbourg, under an official assurance from the Vicomte de Chateaubriand, His Most Christian Majesty's Ambassador at the Court of London, that the Delinquents should be judged according to the Laws of their own Country.

All documents which could be considered Sea-Papers were delivered to the French Authorities at Cherbourg, but the three inclosed Papers not coming under that denomination, were not given up at the time. Your Excellency will observe, that two are Letters found on board the Ursule, containing instructions for her Commander, and that the third is a Declaration by the Officers of La petite Betsy, announcing their abandonment of that vessel. They tend to prove the real and determinate object of the voyage of those vessels, of which, unhappily, there was too evident proof, since one ship had three hundred and forty three, another two hundred and eighteen, and the third two hundred and forty-seven Slaves on board, and they were all armed in support of their enterprize.

I am to request that these circumstances may be laid without delay before His Most Christian Majesty, and that, with a view to that full reparation which His Britannick Majesty is entitled to expect for the insult committed upon His flag, and the loss of the lives of His subjects, proceedings may be instituted, agreeably to the assurances given by the Vicomte de Chateaubriand for bringing to condign punishment those Subjects of France, who have infringed the relations of amity subsisting between the two Nations.

As these vessels were engaged in a traffick which His Most Christian Majesty has expressed His determination to put down by every means in His power, at a moment when the Address from the British Legislature, of which I have the honour to inclose a copy, alludes to the existing Negociations between this Country and Great Britain, in terms which render it highly necessary for France to take some decided measure for the execution of the engagements contracted upon this subject; I must further express the hope of my Sovereign, that so flagrant a violation of the Law will be visited by the severest penalties which are applicable to offences of this nature.

I have, &c.

M. de Villèle. (Signed) CHARLES STUART.
&c. &c. &c.

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No. 14.

Sir Charles Stuart to Mr. Secretary Canning.—(Received October 21.)

(Extract.) Paris, October 17, 1822.

IN answer to the representation addressed to M. de Villèle, respecting the outrage committed upon His Majesty's ships in the River Bonny, by three French vessels engaged in the Slave Trade, and of which the copy was inclosed in a former Despatch, I have received the Letter from that Minister, of which I have the honour to forward a copy.

(Signed) CHARLES STUART.

The Right Hon. George Canning,
&c. &c. &c.

(Inclosure in No. 14.)

M. de Villèle to Sir Charles Stuart.

MONS. L'AMBASSADEUR, Paris, le 11 Octobre 1822.

JE m'empresse de répondre à la Lettre que Votre Excellence m'a fait l'honneur de m'écrire, rélativement aux navires Français *Le Vigilant*, *la petite Betsy*, et *l'Ursule*, prevenus de faire la Traite des Noirs.

Jusqu'à présent, le Gouvernement du Roi croyait avoir assez prouvé, Mons. l'Ambassadeur, la ferme intention où il a toujours été, de réprimer cet odieux trafic. La sévérité qu'il a montrée toutes les fois qu'il lui a été possible d'en acquérir la conviction, semblait écarter tous les doutes. Aussi je crois pouvoir me dispenser d'insister à cet égard, sur la réfutation d'allégations suffisamment démenties, je le répète, non moins par ses actes, que par ses intentions bien connues. Que des spéculateurs avides ayent hasardé des expéditions en contravention aux règlemens, je ne le conteste pas; ce sont de ces infractions qu'aucun Gouvernement ne peut prevenir entièrement, et il ne me serait peut-être pas impossible d'en trouver, en Angleterre même, des exemples plus ou moins récens. Le Gouvernement du Roi n'a été ni moins actif ni moins sévère que le Gouvernement Anglais, à les poursuivre et à les punir. Les mésures qu'il a prises à cet égard, sont telles qu'il les a jugées necessaires pour assurer, le plus efficacement possible, l'exécution de ses propres dispositions sur un objet dont il apprécie toute l'importance.

Je transmets au Ministre de la Marine, les différentes pièces qui accompagnaient la Lettre de Votre Excellence, et qui font partie de celle trouvées à bord des trois navires dont il s'agit. Votre Excellence ne doit pas douter que les faits particuliers qu'elle signale, ainsi que les circonstances qui y ont donné lieu, ne soient l'objet d'une investigation rigoureuse et très impartiale, de la part de l'Autorité chargée d'en connaître.

J'ai l'honneur, &c.

(Signé) JH. DE VILLELE.

Son Excellence Sir Charles Stuart,
&c. &c. &c.

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(Inclosure in No. 14.)

M. de Villèle to Sir Charles Stuart.

(Translation.) Paris, October 11, 1822.

I LOSE no time in replying to the Letter which Your Excellency did me the honour to address to me, relative to the French vessels, *Le Vigilant*, *La petite Betsy*, and *L'Ursule*, suspected of having been engaged in the Traffick of Slaves.

Up to the present time, The King's Government had imagined that it had sufficiently proved the firm resolution it had always entertained, of repressing that odious traffick. The severity which it has displayed, whenever it has been possible to bring it to conviction, would appear to remove all doubt on this subject. In this respect, I shall, therefore, abstain from enlarging upon the refutation of allegations, which, I repeat, are already sufficiently disproved, no less by its actions, than by its well known resolutions. I do not deny that certain avaricious speculators may have risked such expeditions in defiance of the Laws, but these are only infractions, such as no Government can altogether prevent; and perhaps it might not be impossible for me to discover even in England itself, more or less recent instances of this nature. The King's Government has been neither less active nor less severe than the English Government in detecting and punishing them. The measures which it has taken in this respect, are such as it has judged necessary to ensure, in the most effectual manner, the execution of its own arrangements with regard to an object, the importance of which it duly appreciates.

I have transmitted to the Minister of Marine the different papers which were inclosed in Your Excellency's Letter, and which form part of those found on board the three vessels in question. Your Excellency may be assured that the particular facts which you have pointed out, as well as the circumstances which gave rise to them, shall undergo a rigorous and most impartial investigation, on the part of the competent authority.

I have the honour, &c.

(Signed) JH. DE VILLELE.

His Excellency Sir Charles Stuart,
&c. &c. &c.

No. 15.

Mr. Secretary Canning to Sir Charles Stuart.

SIR, Foreign Office, November 1, 1822.

INCLOSED is an extract of a Letter from Sir Charles MacCarthy, Governor of Sierra Leone, (which has been transmitted to my Office from the Colonial Department), reporting an instance of what appears to have been a mistake in the execution of the French Law, relating to the capture of French vessels engaged in the Slave Trade, arising, not from any wilful negligence in the French Commodore on that Station, but rather from defect in the Instructions under which he acts.

From the statement which this Officer made to Sir Charles MacCarthy, it appears that he fell in with, and visited several vessels under the French flag, which he had strong grounds to suspect were employed in the Slave Trade, but that he did not detain them, as he was not authorized by his Instructions to seize any vessels but such as had Slaves actually on board.

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The Memorandum inclosed in Sir Charles MacCarthy's Letter * contains a list of vessels visited or detained by His Majesty's ships, in the short space of two months; which proves that the Traffick in Slaves is carried on to a most alarming extent, by ships under French colours, completely armed and equipped for this criminal trade.

Sir Charles MacCarthy is undoubtedly correct, in supposing that the defect, which appears to exist in the Instructions of the French Officers, is to be attributed to some misapprehension of the authority with which British Officers are invested. Although it has been determined by the Treaties with other Foreign Powers, that *Foreign* vessels should not be detained by British ships, unless Slaves were actually on board, yet it seems only reasonable, and consistent with good faith, that the Government of His Most Christian Majesty should enforce towards *French* ships, the same Laws which have been strictly carried into effect by Great Britain towards *her own* ships, since the abolition of the Slave Trade.

I am, therefore, to direct that you will lay this matter before the French Government, and explain to them, that, by the British Laws, any British vessel fitted out for, or employed in, the Slave Trade, is equally liable to seizure and condemnation, whether the Slaves are actually on board or not; and that such a vessel, with the Officers and crew, would undoubtedly be detained and prosecuted. I trust the French Government, when thus informed of the real state of our Law upon this subject, will assimilate the Instructions given to their Officers commanding ships of war on the Coast of Africa, to those which are given by the British Government to their own Officers on the same Station.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency Sir Charles Stuart, G. C. B.
&c. &c. &c.

* See Colonial Papers.

No. 16.

Sir Charles Stuart to Mr. Secretary Canning.—(Received November 28.)

(Extract.) Paris, November 25, 1822.

IN obedience to your directions, I have not delayed to transmit to the French Ministers, representations of the extent of the Slave Trade, which is at present practised upon the Coast of Africa; requesting, at the same time, that the Instructions which guide the conduct of the French Officers who are engaged in putting down that traffick, may be assimilated to those of the British Officers employed upon the same Station.

I have at length received an answer from Monsieur de Villèle, which I have the honour to inclose, and which manifests an intention to comply with the object of my representations.

(Signed) CHARLES STUART.

The Right Hon. George Canning,
&c. &c. &c.

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(*Inclosure in No* 16.)

M. de Villèle to Sir Charles Stuart.

(Extrait.) Paris, le 22 Novembre, 1822.

J'AI reçu avec la Lettre que Votre Excellence m'a fait l'honneur de m'écrire, la liste des batimens qui, dans les premiers mois de cette année, paraissent avoir été employés à la Traite des Noirs. Il s'y trouve, il est vrai, quelques navires Français, quoique toutefois ce ne soit pas le plus grand nombre. Cette circonstance qui, sans doute, ne lui aura pas échappé, doit convaincre Votre Excellence, que le Gouvernement du Roi ne néglige aucun des moyens de surveillance qui dépendent de lui, pour empêcher cet odieux commerce. Plusieurs exemples, et des peines sévères prononcées contre les spéculateurs, ont déjà prouvé qu'il n'y mettait pas moins d'intérêt que le Gouvernement Anglais lui même. Je ne m'en suis pas moins empressé de déférer au Ministre de la Marine, les observations que Votre Excellence m'a transmises, rélativement aux mesures adoptées en Angleterre, à l'egard des batimens qui, sans avoir des Nègres à bord, paraissent par leur construction, destinés à ce genre de trafic. Je ne doute pas qu'elles ne soient, de la part de M. Le Marquis de Clermont-Tonnerre, l'objet d'un examen particulier, dès qu'elles pourront ajouter aux moyens de répression.

Son Excellence Sir Charles Stuart, (Signé) JH. VILLELE.
&c. &c. &c.

(*Inclosure in No.* 16.)

M. de Villèle to Sir Charles Stuart.

(Translation.)

(Extract.) Paris, November 22, 1822.

I HAVE received, with the Letter which Your Excellency did me the honour to address to me, the list of vessels which appear to have been engaged in the Slave Trade during the first months of the present year. It must be confessed that among them are to be found certain French vessels, though they never form the majority. This circumstance, which doubtless has not escaped Your Excellency's notice, will serve to convince you that The King's Government is not neglectful of any measures of *surveillance* which lie within its power, in order to repress this odious traffick. Several severe examples which have been made, and punishments which have been decreed against those who have engaged therein, have already proved, that the French Government is no less earnest on the subject, than that of England.

I have lost no time in submitting to the Minister of Marine, the observations which Your Excellency transmitted to me, relative to the measures adopted in England, with respect to such vessels as, without actually having Slaves on board, shall appear by their construction, to be intended for this kind of trade. I doubt not that these measures will receive a strict examination on the part of The Marquess de Clermont-Tonnerre, since they may be made to promote the means of repression.

(Signed) JH. DE VILLELE.

His Excellency Sir Charles Stuart,
&c. &c. &c.

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No. 17.

Mr. Secretary Canning to Sir Charles Stuart.

SIR, Foreign Office, May 23, 1823.

I INCLOSE herewith to Your Excellency, the copy of a Communication recently received from the Governor of His Majesty's Colony at Sierra Leone, containing many particulars relative to the continuance of the Slave Trade, by vessels under the French flag, on the Coast of Africa.

Your Excellency will find, that at Gallinas fourteen French vessels received cargoes of Slaves on board, in the short space of four months; that the trade is stated to be carried on now to a greater extent than at any former period;—that, to use the expression of the writer, it is considered to be "flourishing;" and that, as the British Cruizers permitted it to be carried on with impunity under their eyes, the Nations on the Coast had come to a persuasion that the trade was lawful.

Your Excellency has frequently received Instructions from your Court to bring to the knowledge of the French Government, glaring instances of the active employment of French capital in this nefarious traffick, and the extensive protection afforded by the French flag to it.

The French Government cannot but regret the impression created on the minds of the natives, by the conduct of its Subjects on the Coast of Africa; and they will derive from this circumstance a fresh proof of the necessity of taking some decisive step to vindicate their flag from the dishonour which thus attaches to it, by stigmatizing with a punishment, in some degree proportioned to the offence, this audacious pursuit by French Subjects of a traffick prohibited by their Government, and pronounced by the whole civilized world to be a disgrace to the age.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency Sir Charles Stuart, G. C. B.
&c. &c. &c.

No. 18.

Mr. Secretary Canning to Sir Charles Stuart.

SIR, Foreign Office, May 23, 1823.

I HAVE the honour to transmit to Your Excellency, the extract of a Letter received from His Majesty's Consul at Pernambuco, dated the 12th of March 1823, reporting the arrival in that Port of the French cutter, *Le Trident*, M. T. Borboreau, Master, with a cargo of 126 Slaves from the River Bonny.

The Trident is stated to have been built at, and to belong to Martinique.

Your Excellency will immediately call the attention of the French Government to this fresh instance of the evasion of the measures which have been promulgated by them for the suppression of the Slave Trade under cover of the French flag.

I am, &c.

(Signed) GEORGE CANNING.

His Excellency Sir Charles Stuart, G. C. B.
&c. &c. &c.

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(*Inclosure in No.* 18.)

Mr. Consul Parkinson to Mr. Secretary Canning.

(Extract.) Pernambuco, March 12, 1823.

HAVING reference to my Instructions, requiring me "to keep a watchful eye upon all undertakings for trading in Slaves," I beg to acquaint you that, on the 2d instant, *Le Trident*, a French cutter, commanded by Monsieur T. Borboreau, came into Pernambuco roads with a cargo of 126 Slaves from the Bonny.

His Majesty's frigate, *Doris*, and the French sloop of war, *L'Hirondelle*, were then at anchor in the roads, which exciting some apprehension in the Commander, he made signal of distress, and was brought by a Pilot within the reef, that is to say, into the harbour of Pernambuco.

The *Trident* was recently built and fitted out for this traffick at Martinique, and during her stay in the River Bonny was dangerously worm-eaten. Nevertheless, having completed her cargo of Slaves, 133, in a vessel of less than 100 tons burthen, with a crew, as I am assured, of eighteen in number, and composed of men of various Nations, she sailed for Surinam. Bad weather and contrary winds frustrated all their endeavours, they were driven out of their course, and sickness, combined with starvation, finally brought them hither.

The arrival created no small embarrassment—the Judge of the Custom-House conscientiously refusing entry under any modification, and the Master of the Slave-ship, dreading capture or detention, should he quit the harbour and again pass under the guns of the Doris.

His apprehensions of obstruction from the French vessel of war seem to have been less strong, and with reason,—the French sloop of war, *L'Hirondelle*, and the French ship lying at this moment within a few cable lengths of each other in the harbour.

Urgent applications were addressed to the Junta of Government to give entry to the vessel, resting on the unseaworthy state of the cutter,—her absolute want of provisions, and of water, and want of pecuniary funds,—the Slaves were designated as *passengers from Martinique*, although I have ascertained that the Captain on his arrival made declaration that he came from Cabinda in seventy-five days, with a cargo of 133 Slaves, of whom sixteen had died in the passage,—and at the Ballast Office, declared that he came from Princes Island. The rights of hospitality were strenuously claimed for the vessel of a friendly Power,—compassion and humanity were invoked on behalf of People avowedly engaged in violating the Laws of their own Country,—those of Portugal,—and in trampling under foot the very virtues of which on their own behalf they claimed the exercise:—finally, the Junta gave way, and an order was issued, authorizing the sale of twenty of the Slaves, permitting the remainder to be placed in the Lazaretto for the recovery of their health.

This event has created a strong sensation here.

(Signed) JOHN PARKINSON.

The Right Hon. George Canning,
&c. &c. &c.

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UNITED STATES.

No. 1.

The Marquess of Londonderry to The Right Hon. Stratford Canning.

(Extract.) Foreign Office, April 15, 1822.

* * * * * * * * *

I did not lose the opportunity of speaking to Mr. Rush, on another point of increasing interest to this Government, on which I have often had occasion already to address you; viz. the formation of some common system between the Two Countries for the more effectual prevention of the illicit Traffick in Slaves.

The Correspondence which took place between you and Mr. Adams, in the course of last year, and the Report of the Committee to Congress on the subject of the Slave Trade, have been called for, and laid before Parliament; and I stated to Mr. Rush, that however unfavourable the language of the American Government was to our wishes, yet, that the Report above-mentioned still gave ground for hope, that, upon the principles therein laid down, some joint measure could, in the end, be arranged between the Two Countries.

In order that we might clearly understand each other, I requested Mr. Rush to draw up a Memorandum of our conversation, for transmission to his Government, and I herewith inclose to you a copy of this Memorandum, which will put you in full possession of all that passed.

His Majesty's Government have, likewise, never relaxed in their earnest endeavours to induce that of France, both sufficiently to enforce their Legislative enactments against illicit Slave Trade, and to improve and extend them in such manner as to put a stop to the Traffick in Slaves, which, it unhappily appears, by the last accounts from the Coast of Africa, is still very extensively carried on under their flag.

In Sir Charles Stuart's Communications to this Office, His Excellency has more than once mentioned, how much his efforts with the French Government would be assisted, were the American Minister at Paris enabled to co-operate with him in his representations; and I have, therefore, to desire that you will avail yourself of any opportunity, in conversation with Mr. Adams, to state this fact, and to impress upon him the great advantages which might be expected, from an instruction to the American Minister to co-operate with Sir Charles Stuart in his exertions, to induce the French Government to come to some more satisfactory arrangement for the suppression and prevention of this still increasing evil.

I have, in conclusion, only to request that, in the communications which you may hold with the American Ministers upon the subject above alluded to, you will conform your language to what I have here stated, and that you will use your best exertions, whenever the opportunity may offer, for furthering the objects which His Majesty's Government have so much at heart, in the manner I have stated.

(Signed) LONDONDERRY.

The Right Hon. Stratford Canning,
&c. &c. &c.

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(Inclosure in No. 1.)

Memorandum of Conversation between The Marquess of Londonderry and Richard Rush, Esq.

(Extract.) London, April 1822.

* * * * * * * * *

When this subject was finished, His Lordship adverted to the Slave Trade, and it is at his special desire that I mention what he said. He remarked that this Government retained an undiminished anxiety to see the effectual downfall of this traffick, and felt its obligations to continue labouring in so great a work. That more especially was this the case, since the most recent intelligence from Africa gave humanity fresh cause to deplore the augmented prevalence and miseries of the traffick.

That he had noticed with peculiar satisfaction the doctrines contained in the Report of the Committee of the House of Representatives, on the expediency of mutually authorizing a regulated visit and search of the vessels of the Two Nations, when suspected of having Slaves illicitly on board, (which Report has been republished by Parliament), as it opened a new hope to him that the United States might yet accede to some system of this description; and that, as to the Tribunal before which captured Slaves were to be brought, he had little doubt but that such alterations might be proposed, in that part of the plan, as to free it from our constitutional and other objections. His Lordship seemed to point to each S e constituting its own Tribunal, before which the Cases should be carried for adjudication. That the British Court had a powerful motive for its continued solicitude, that the United States might see their way to an acquiescence in the principle of mutual search, in the strong impression it was under, that an application by the Two Nations to France, on the basis of their joint consent, would not be without its effect in overcoming the scruples that had hitherto existed with that Power upon the same point; and that, urged by these considerations, it was the intention of His Majesty's Government to make another effort with the Government of the United States on this subject, believing that an acquiescence in the principle in question by the Maritime States of the world, would be the only sure means of extirpating the traffick. That he had abstained until now from approaching the subject again, after the past failures with us, rather choosing that my Government should be left to its own course under the well-known earnestness of its desire for abolition; but that the duty of formally making the effort alluded to, was one that would not be much longer postponed by him; and of this intimation he requested that I would apprize you.

I replied that I would do so, but was entirely explicit with his Lordship upon the occasion. I distinctly said, that I had not the least expectation of my Government agreeing to the mutual right of search, under whatever modification or circumstances the proposition might be again exhibited, but on the contrary, entertained the most decided and unequivocal belief, founded upon the reasons heretofore given, that its objections to it in every shape would be insurmountable. That my instructions, in a word, were absolute and imperious, and left no room for doubt or hesitation in my mind upon the subject.

John Quincy Adams, Esq. (Signed) RICHARD RUSH.
&c. &c. &c.

No. 2.

The Right Honourable Stratford Canning to The Marquess of Londonderry.—(Received June 26.)

(Extract.) Washington, May 8, 1822.

I HAVE already informed Your Lordship that the Slave Trade Committee in the House of Representatives, has again reported in favour of a limited

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right of search. I have now the honour to inclose a copy of the Report, which embraces and enforces, as your Lordship will perceive, the Report of last year.

I wish it were in my power to add, that Congress had taken up the resolution with which the Report is concluded; but it has confined itself for this Session, to an order for the printing of two thousand additional copies of the Report;—a motion to this effect has been carried, and there is reason to hope that an endeavour will be made, under less forbidding circumstances, though still in the face of great difficulties, to bring forward the main question at an early period of the next Session.

The accompanying Report will be found to contain a statement of the number of cruizers employed at different times on the Coast of Africa by the Government of the United States, and also of the number and present situation of such Africans as have been taken by their Officers, either at sea or on shore.

It does not appear that any overture of a general nature, affecting the abolition of the Slave Trade, has been made, either by or to this Government during the last year, with the exception of an idea thrown out by the French Minister, though not, as it would seem, under the instructions of his Court, to obviate the chief objections to a right of search, by allowing the several Contracting Parties to appoint Commissioners, vested with that power, on board each other's cruizers. To this suggestion, which, however impracticable, has proceeded no doubt from a laudable desire to contribute to the suppression of the Slave Trade, allusion, I believe, is made in the fifth annual Report of the American Colonization Society. The Appendix to the same Report will be found to contain an account of the Settlement which that Society has recently effected, by purchase, at Cape Mesurado, on the Western Coast of Africa.

The House of Representatives has lately passed a resolution, requesting the President to communicate copies of the judicial proceedings and correspondence, relating to the case of a French Slave-ship, *La Pensée*, captured some months ago, together with a South American privateer, *La Centinelle*, to which she was a prize, by the United States sloop of war, *Hornet*, and sent for adjudication into the Port of New Orleans.

(Signed) STRATFORD CANNING.

The Marquess of Londonderry, K.G.
&c. &c. &c.

(Inclosure in No. 2.)

Report of the Committee of Congress.

Friday, April 12, 1822.

MR. GORHAM, from the Committee on the suppression of the Slave Trade, (in compliance with a Resolution of the 15th of January last), made the following Report, accompanied by a Resolution, which was read:—

The Committee on the suppression of the Slave Trade, to whom was referred a Resolution of the House of Representatives, of the 15th of January last, instructing them to inquire whether the Laws of the United States prohibiting that traffick have been duly executed; also into the general operation thereof, and if any defects exist in those Laws, to suggest adequate remedies therefor; and to whom many memorials have been referred, touching the same subject, have, according to order, had the said Resolution and Memorials under consideration,—beg leave to report:—

That under the just and liberal construction put by the Executive on the Acts of Congress of March 3, 1819, and that of the 15th of March 1820, inflicting the punishment of piracy on the African Slave Trade, a foundation has been laid for the most systematick and vigorous application of the power of the United States to the suppression of that iniquitous traffick. Its unhappy

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subjects, when captured, are restored to their Country,—Agents are there appointed to receive them,—and a Colony of the offspring of private charity is rising on its shores, in which such as cannot reach their native tribes will find the means of alleviating the calamities they may have endured before their liberation.

When these humane provisions are contrasted with the system which they superseded, there can be but one sentiment in favour of a steady adherence to its support. The Document accompanying this Report, and marked A,* states the number of Africans seized or taken within or without the limits of the United States, and brought there, in their present condition.

It does not appear to your Committee, that such of the naval force of the Country as has been hitherto employed in the execution of the Laws against this traffick, could have been more efficiently used for the interest and honour of the Nation. The Document marked B † is a statement of the names of their Commanders ordered upon this service, with the dates of their departure, &c. The first vessel destined for this service arrived upon the Coast of Africa in March 1820, and in the few weeks she remained there, sent in for adjudication four American vessels, all of which were condemned. The force which has been since employed in this service has made five visits, (the *Alligator* having made two cruizes in the past Summer), the whole of which have amounted to a service of about ten months by a single vessel within a period of near two years; and since the middle of last November, the commencement of the healthy season on that Coast, no vessel has been, nor, as your Committee has been informed, is under orders for that service.

The Committee are thus particular on this branch of their inquiry, because unfounded rumours have been in circulation, that other branches of the publick service have suffered, from the destination given to the inconsiderable force above stated, which, small as it has been, has, in every instance, been directed, both in its outward and homeward voyage, to cruize in the West India seas.

Before they quit this part of their inquiry, your Committee feel it their duty to state, that the loss of several of the prizes made in this service is imputable to the size of the ships engaged in it. The efficacy of this force, as well as the health and discipline of the Officers and crews, conspire to recommend the employment of no smaller vessel than a corvette or sloop of war, to which it would be expedient to allow the largest possible complement of men, and, if possible, she should be accompanied by a tender, or vessel drawing less water. The vessels engaged in this service should be frequently relieved, but the Coast should at no time be left without a vessel to watch and protect its shores.

Your Committee find it impossible to measure, with precision, the effect produced upon the American branch of the Slave Trade, by the Laws abovementioned, and the seizures under them. They are unable to state whether those American Merchants, the American capital, and seamen which heretofore aided in this traffick, have abandoned it altogether, or have sought shelter under the flags of other Nations. It is ascertained, however, that the American flag, which heretofore covered so large a portion of the Slave Trade, has wholly disappeared from the Coast of Africa. The trade, notwithstanding, increases annually under the flags of other Nations. France has incurred the reproach of being the greatest adventurer in this traffick prohibited by her Laws; but it is to be presumed that this results, not so much from the avidity of her subjects for this iniquitous gain, as from the safety which, in the absence of all hazard of capture, her flag affords to the greedy and unprincipled adventurers of all Nations. It is neither candid or just to impute to a gallant and high-minded people, the exclusive commission of crimes which the abandoned of all Nations are alike capable of perpetrating, with additional

* A.—Five hundred and seventy-three Africans taken without the United States limits.
† B.—The ships Cyane, Hornet, John Adams, Alligator, and Shark.

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wrong to France herself of using her flag to cover and protect them. If the vigour of the American navy has saved its banner from like reproach, it has done much to preserve unsullied its high reputation, and amply repaid the expense charged upon the publick revenue by a system of Laws to which it has given such honourable effects.

But the conclusion to which your Committee has arrived, after consulting all the evidence within their reach, is, that the African Slave Trade now prevails to a great extent, and that its total suppression can never be effected by the separate and disunited efforts of one or more States; and as the resolution to which this Report refers, requires the suggestion of some remedy for the defects, if any exist, in the system of Laws for the suppression of this traffick, your Committee beg leave to call the attention of the House to the Report and accompanying Documents submitted to the last Congress by the Committee on the Slave Trade, and to make the same a part of this Report. That Report proposes as a remedy for the existing evils of the system, the concurrence of the United States with one or all of the Maritime Powers of Europe, in a modified and reciprocal right of search on the African Coast, with a view to the total suppression of the Slave Trade.

It is with great delicacy that the Committee have approached this subject, because they are aware that the remedy which they presumed to recommend to the consideration of the House, requires the exercise of the power of another Department of the Government, and that objections to the exercise of this power in the mode here proposed have existed in that Department.

Your Committee are confident, however, that these objections apply rather to a particular proposition for the exercise of the right of search, than to that modification of it which presents itself to your Committee. They contemplate the trial and condemnation of such American Citizens as may be found engaged in this forbidden trade, not by Mixed Tribunals sitting in a Foreign Country, but by existing Courts of competent jurisdiction in the United States; they propose the same disposition of the captured Africans now authorized by Law, and least of all their detention in America.

They contemplate an exchange of this right, which shall be in all respects reciprocal—an exchange which, deriving its sole authority from a Treaty, would exclude the pretension, which no Nation, however, has presumed to set up, that this right can be derived from the Law of Nations; and further, they have limited it in their conception of its application, not only to certain latitudes and to a certain distance from the Coast of Africa, but to a small number of vessels to be employed by each Power, and to be previously designated. The right of search thus restricted, it is believed, would ensure the co operation of one great Maritime Power in the proposed right of exchange, and guard it from the danger of abuse.

Your Committee cannot doubt that the people of America have the intelligence to distinguish between the right of searching a vessel on the high seas in time of war, claimed by some belligerents, and that mutual, restricted, and peaceful concession by Treaty suggested by your Committee, and which is demanded in the name of suffering humanity. In closing the Report, they recommend an adoption of the following resolution, viz.—

Resolved,—That the President of the United States be requested to enter into such arrangements as He may deem suitable and proper with one or more of the Maritime Powers of Europe, for the effectual abolition of the Slave Trade.

The Report was laid on the table, and ordered to be printed.

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No. 3.

The Right Hon. Stratford Canning to The Marquess of Londonderry.—(Received September 14.)

(Extract.) Washington, July 16, 1822.

AFTER allowing a sufficient interval to elapse, I thought it advisable to afford Mr. Adams an opportunity of making me acquainted with the President's intentions, respecting my last communication on the subject of the Slave Trade. For this purpose I saw Mr. Adams yesterday at his Office —On my introducing the subject, he informed me that The President had been put in possession of all that I had stased and urged, with reference to the Slave Trade, in our preceding interviews; that The President's desire to contribute as far as the circumstances of this Country would admit, to the final suppression of the illicit traffick was unabated; that being disposed to give the most respectful consideration to every suggestion of His Majesty's Government, when directed to that object, he entertained the intention of again taking the advice of his Cabinet on the question, but preferred, as a matter of convenience, to defer that measure till the Autumn, when the heads of Department would be collected at Washington, and he should have more leisure for maturing his views.

This last expression induced me to ask Mr. Adams, whether I might not indulge a hope that The President began to see his way to a more efficient co-operation with His Majesty's Government, but I regret to say that Mr. Adams described him as being still decidedly adverse to the admission of a right of search, however modified; and I apprehend that no proposal of a more extensive nature than one, perhaps, for engaging to maintain a certain number of cruizers permanently on the Coast of Africa, is to be expected under the present circumstances.

The proposal of an engagement to this extent, is even more than Mr. Adams had led me to anticipate when I had last the honour of addressing Your Lordship. He explained the difference which I observed between his language on the present and former occasions, by saying, that in the first instance he had only declared what was unavoidably his own impression, until it had been in his power to submit my representations to The President, and take His pleasure on the subject.

I had already offered all that I could urge in the way of argument, and when I found it was in vain to expect any recommendation in favour of the right of search, I had even insisted on the degree of benefit which might result from Mr. Gallatin's being instructed, in general terms, to remonstrate with the French Government, on the notorious inadequacy of their Laws and measures for the suppression of the Slave Trade, and to act up to that point, at least, in concurrence with Sir Charles Stuart; but I fear that nothing is to be expected from the American Government on this score, unless it be their intention to act on the French Ministry through Mr. Gallatin, without making any previous agreement to that effect.

Mr. Adams concluded by informing me that a corvette, the Cyane, would be dispatched to the Coast of Africa, as soon as the sickly season could be considered as drawing to a close in that quarter; the Cyane will probably cruize in the West Indies before she proceeds to her ultimate destination; but I have reason to believe that positive orders have been issued to the Commanders of American cruizers, on no account to search any vessel sailing under a Foreign flag.

Desirous of omitting no step which held out the smallest chance of producing a favourable impression on the minds of the American Ministers, I

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sent Mr. Adams a transcript of such parts of the voluminous Correspondence laid before Parliament, as I thought most likely to corroborate the representations which I had made in conformity with Your Lordship's instructions; and I am assured that the body of information thus communicated to him has been submitted to The President, and such Members of the Cabinet, as are still at the Seat of Government.

(Signed) STRATFORD CANNING.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 4.

Mr. Secretary Canning to The Right Honourable Stratford Canning.

(Extract.) Foreign Office, October 11, 1822.

YOUR Report of your last Conference with the American Secretary of State, on the subject of the Slave Trade, presents no very satisfactory prospect of the co-operation to be expected on the part of the United States in our efforts for repressing that abominable traffick.

The Report of The Duke of Wellington's Conference with M. de Villèle, the French Minister, on the same subject, contained in the Despatch, dated Paris, 21st September, a copy of which I inclose to you, is, I am sorry to say, hardly less discouraging.

It is, nevertheless, the duty and the determination of His Majesty's Government, to leave no effort on their part untried; and at least to acquit Great Britain, in the eyes of God and Man, of any responsibility for the continuance of a pest so scandalous and so afflicting to humanity.

I transmit to you, for your information and guidance in any discussions upon this subject, copy of the Instructions, dated the 1st October, which have been given to The Duke of Wellington, after the receipt of his Despatch from Paris.

You will see therein, what are the several expedients, for bringing to bear upon this question the influence of the Sovereigns assembled at Vienna, to which His Grace is successively to resort; but, after all, the mutual right of visit, so often proposed and so often rejected by them, is the one, sole expedient, upon the efficacy of which reliance could be placed; and the pertinacious refusal of which affords countenance, as well as shelter, to the most flagrant acts of violence, rapine and murder.

It is most unfortunate, that The President of the United States, and his Ministers, should see any thing invincibly objectionable, in the proposal for a mutual and regulated, and temporary right of visit,—a proposal perfectly distinct from the long litigated question of belligerent right of search, or if it can be supposed to touch it at all, appearing to operate favourably, for the American view of that question, rather than against it.

There can be no disparagement of national dignity in equal and reciprocal concession.

Great Britain desires no other than that any of her subjects, who so far defy the Laws, and dishonour the character of their Country, as to engage in a trade of blood, proscribed not more by the Acts of the Legislature, than by the National feeling,—should be detected and brought to justice, even by foreign hands.

What Great Britain is ready to allow, in a point so vital to her pride and to her power, may surely be allowed reciprocally by any other Nation.

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If apprehension is entertained of occasional abuses of such permission on either part, or on both, limitations and conditions may be devised that shall prevent them from growing into practice: and, at all events, the fixing of a short period for the duration of the experiment may ensure their speedy termination. Two or three years might suffice to sweep the African and American seas of the atrocious commerce with which they are now infested; and the honour of neither flag would be tarnished, by having for that season withdrawn its protection from those by whom such atrocities were perpetrated.

You will judge when the proper opportunity shall arise, for presenting another formal Note to the Secretary of State upon this subject.

The copy of my Despatch to The Duke of Wellington, will furnish you with the means of quieting any apprehension that may be entertained by the American Government, of an intention on the part of Great Britain to call in upon this subject the authority of the Congress, as of a Court whose jurisdiction was supposed competent to give Law to the Nations of the World.

(Signed) GEORGE CANNING.

P. S.—I have said that two or three years of regulated visit might be sufficient for the purpose of suppressing the illicit Slave Trade; but if any objection is felt to a stipulation for a specifick time, (the principle of the agreement being admitted,) there could be no difficulty in inserting a condition making the agreement determinable upon a notice of six months from either Party.

The Right Hon. Stratford Canning, G. C.
&c. &c. &c.

No. 5.

Mr. Secretary Canning to The Right Honourable Stratford Canning.

(Extract.) Foreign Office, November 11, 1822.

BY the inclosed extract of a Despatch from Sir Charles Stuart, dated the 10th ultimo, (received not many days after the sailing of the last Packet for America,) you will see that an Instruction has been sent to Mr. Gallatin, directing him, singly, to "press the French Cabinet to take effectual measures "to check the infraction of their own Laws and the abuses of their flag, "which are at present notorious along the whole extent of the African "Coast."

(Signed) GEORGE CANNING.

The Right Hon. Stratford Canning,
&c. &c. &c.

No. 6.

The Right Hon. Stratford Canning to Earl Bathurst.—(Received January 3, 1823.)

MY LORD, Washington, December 4, 1822.

THE question of the Slave Trade has again been referred, in the House of Representatives, to a Select Committee, of which Mr. Gorham, of Massachussetts, is re-appointed Chairman. While the resolution for renewing this Committee was before the House, one of the Representatives from Maryland,

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expressed a decided opinion in favour of conceding the right of visit at sea, as the only effectual measure for suppressing the Traffick in Slaves. There is much reason to hope that a vigorous effort will be made in this sense, by the friends of the measure, before the close of the present Session; but the temper of Congress in general, with respect to its adoption, is still very doubtful. The disposition of the Government on this subject is, to all appearance, so much the same as it was last year, that I am unwilling to take any further steps of an official character, until I receive more detailed instructions.

At a publick meeting lately held in Boston, it was stated by Mr. Webster, a distinguished Lawyer of that City, and one of the Representatives elected for the next Congress, that natives of New England were known to him as being concerned in the Slave Trade. Your Lordship will find a report of the speech by this Gentleman in the National Intelligencer of the 26th ult.

I have the honour to be, &c.

(Signed) STRATFORD CANNING.

Earl Bathurst, K. G.
&c. &c. &c.

No. 7.

The Right Hon. Stratford Canning to Mr. Secretary Canning.—(Received February 6.)

(Extract.) Washington, January 1, 1823.

EVERY attention in my power shall be paid to the Instructions with which you have honoured me, by His Majesty commands, on the subject of the Slave Trade. I had cherished a hope that the question of mutual search, as recommended by a Committee of the House of Representatives during the last Session, would ere this have been taken up with vigour by the friends of that measure in Congress, but a third of the Session has already been allowed to pass away, without an attempt on their part to bring it forward in any effectual shape, and I still apprehend that nothing short of a decided impulse from that quarter will produce any change in the disposition of the American Government.

In the official returns laid before Congress, the *Cyane*, corvette, is described as having been dispatched to the Coast of Africa. The Secretary of the Navy has since assured me that she is actually under orders for that Station.

(Signed) STRATFORD CANNING.

The Right Hon. George Canning,
&c. &c. &c.

No. 8.

The Right Hon. Stratford Canning to Mr. Secretary Canning.—(Received March 10.)

SIR, Washington, February 8, 1823.

IN pursuance of the Instructions which I had the honour to receive from you by the November Mail, I have opened a fresh Correspondence on the subject of the Slave Trade with the American Secretary of State. A copy of the Note which I have addressed to Mr. Adams for this purpose is herewith inclosed. I have not yet received an answer from him, but since the Note was sent in, he has ex-

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pressed his intention of replying to it at an early period, and I know that it has been submitted to The President and other Members of the Administration. The Conferences which I held with Mr. Adams in the Summer, reports of which are contained in my Despatches of last year, I considered, under my Instructions of that time, as preparatory to a more formal repetition of the proposal, before so frequently pressed in His Majesty's Name, on the acceptance of the American Government. I did not feel myself at liberty to resume a regular correspondence on the subject with Mr. Adams, so long as there was no appearance of any more favourable disposition on his part than what I had before experienced; the rather, as I had already stated my opinion that little was to be expected from the American Cabinet without a previous impulse from Congress, besides that the advantage of my being supplied with further Instructions was sufficient, under such circumstances, to make up for the delay of waiting for them. Even subsequently to the receipt of your Despatches by the October Mail, I deemed it advisable not to engage in the Correspondence which you have empowered me to open, until I had ascertained whether the Report and Resolution of the Committee on the Slave Trade were likely soon to be debated in the House of Representatives In a matter of such deep concern I was unwilling to afford the American Ministers an opportunity, before the Report had been called up, of again declining His Majesty's offers, and thus, if unhappily so disposed, of discouraging those Members who are known to favour the proposition, by representing themselves as unalterably committed to a refusal of it. I thuoght it not unlikely that, except they were driven to an immediate decision, they would prefer leaving the Advocates of the Report to elicit the sense of the House thereon, according to their sense of expediency, and in this way that another chance might perhaps be engaged, in the aid of that great Cause, which a mutual interchange of the right of search would so effectually promote.

In proportion as I looked with hope to the exertions of the Committee, and was latterly induced to cherish that hope with greater confidence, from observing a disposition in Congress far more favourable than any that appeared last year, to the temperate discussion of such a subject,—I felt disappointed in learning that a majority of the Committee is now adverse to taking up the Report; and that even the Chairman, whose zealous attachment to the cause of abolition is well known, himself despairs of being able to take it up with the slighest prospect of success.

(Signed) STRATFORD CANNING.

The Right Hon. George Canning,
&c. &c. &c.

(*Inclosure in No.* 8.)

The Right Hon. Stratford Canning to John Quincy Adams, Esq.

SIR, Washington, Jannary 29, 1823.

GREAT BRITAIN, as you are well aware, has long devoted her anxious and unremitting exertions to the complete abolition of the African Slave Trade. She availed herself, during war, of her belligerent rights and extended dominion in the Colonies to put down the inhuman traffick: in peace she has spared no labour, and shrunk from no sacrifice, to supply, by a general co-operation of the Maritime Powers, whatever has been withdrawn from her peculiar controul by the cessation of hostilities, and the Colonial arrangements consequent on that event.

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It is matter of deep regret to His Majesty's Government, that the result of their exertions is far from corresponding either to the cause which demands, or to the zeal which sustains them. The pest, which they have pledged themselves to destroy, if it be in human power to destroy it, not only survives to the disgrace and affliction of the age, but seems to acquire a fresh capacity for existence with every endeavour for its destruction.

To whatever fatality it may be owing, that, while the obligation of adopting and enforcing measures for the extermination of the Slave Trade is solemnly acknowledged by the Civilized World, this object seems rather to elude the grasp than to approach its consummation; Great Britain perceives in the postponement of her hopes, however mortifying for the moment, no reason either to relax from her efforts, or to abandon the expectation of final success. Impelled by the noblest motives to persevere in the cause of Abolition, and mindful by what slow, laborious, steps, the present point has been attained, she looks forward through surrounding obstacles to that triumphant accomplishment of her purpose, the benefit and glory of which will only be rendered more signal by the difficulties attendant on its progress.

In calling upon Europe and America to join with them in the discharge of this sacred duty, His Majesty and His Ministers have appealed, Sir, with the more confidence to your Government, as the United States have long proclaimed their decided hostility to the Slave Trade, and are surpassed by no Country in the vigour of their Legislative enactments for its repression. The identity of principle existing on this subject between the Two Governments is distinctly recorded in the Treaty of Peace; and, in answer to every proposal which has since, by His Majesty's command, been addressed to your Cabinet for redeeming that pledge, by a broad and effectual application of the principle, a fresh assurance has been given of the unceasing interest with which the United States continue to promote the cause of Abolition. When to this accord in principle and sentiment is added the conviction, avowed by both Parties, that, in spite of Laws and Treaties, the accursed traffick still thrives under the eyes of an indignant World, it would seem impossible that the Two Powers should be long prevented from concerting a joint system of measures against the common object of their abhorrence and just proscription. Whatever circumstances, views, or impressions, may have hitherto defeated this expectation, His Majesty's Ministers are still unwilling to despair of finding the United States at length prepared, either to close with the system of concert already offered to their acceptance, or to suggest a plan of equal efficiency in its place. The alternative embraces a duty, for the performance of which both Countries are responsible before God and Man.

A deep sense of this duty, and a reliance, by no means relinquished, on the general disposition of the United States, have prompted the several Communications on this question, which have been addressed to you, at successive periods, either through me, or by means of the American Envoy in London. You will readily call to mind, Sir, that in the course of last Summer I apprized you of the intention of His Majesty's Ministers to press for an early re-consideration of the subject, submitting whether it might not prove agreeable to the American Cabinet to anticipate that intended recurrence to it on the part of Great Britain, by some efficient proposal originating with itself. I took occasion in repeated conversations to urge anew, those various arguments which support and justify the opinion of His Majesty's Government, and I also placed in your hands the Official Papers, then recently printed by order of Parliament, in further evidence of the extent to which the traffick in Human Beings was still carried on from Africa, under circumstances of aggravated cruelty. In declaring, as on former occasions, the readiness of His Majesty's Ministers to examine, with respect and candour, whatever scheme of concert, if any, the American Cabinet might think proper to bring forward as a substitute for theirs, you

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will remember how strongly I expressed my belief, that the only effectual measure devised, or likely to be devised, was a mutual concession of the right of search. In the exercise of that right, under such guards, and with such limitations as may serve to tranquillize the most apprehensive and scrupulous minds, it is still conceived that the best, and only cure for this intolerable mischief is to be found. You assured me, at a subsequent conference, that my representations had been duly submitted to The President. I wish it were in my power to add, that the cause which I pleaded had prevailed.

From the printed Documents, which I had the honour of communicating to you, it appears that the French flag is more particularly employed to cover the illicit trade on the Coast of Africa. It would, perhaps, be unfair to conclude that French property and French subjects are concerned to the full proportion in which the colours of that Nation are used; but it is manifest that both are engaged in this commerce of blood, to an extent which reflects discredit, if not on the motives of the French Administration, at least on the efficiency of its measures, and makes it imperative on those Governments which are pledged to each other for the suppression of the Slave Trade, to declare their reprobation of what is, at best, a culpable remissness, and to omit nothing that may rouse the French Cabinet to a more active exercise of its authority.

It was a part of my Instructions to bring this point under your immediate consideration, and to intimate that the remonstrances of His Majesty's Ambassador at Paris might be attended with more effect, if the American Envoy at that Court were directed to concur with His Excellency, in a joint representation on the subject. It would be idle at present to repeat the arguments adduced in executing this instruction. The answer which you returned in the name of The President, was unfavourable to the step I had suggested; and such was the result which it became my duty to announce to His Majesty's Secretary of State; but no doubt was started with respect to the grounds on which my application rested; and, of those notorious facts, to which I referred, as calling for a joint and impressive appeal to the good faith and good feelings of the French Government, you seemed to be equally convinced with myself.

The reasons indeed which you alledged for declining at that time to comply with a proposal, no less simple in its nature, than useful in its object, I understood to be rather of a temporary character; and under this impression, I cannot but hope that the period is now arrived when they will no longer be found to stand in opposition to the great considerations involved in this question.

In repeating, therefore, the invitation which I have already had the honour to convey to you on the part of His Majesty's Government, it only remains for me to request an early communication of the intentions at present entertained on this head by the Government of the United States.

I beg, Sir, that you will accept, &c.

John Quincy Adams, Esq. (Signed) STRATFORD CANNING.
&c. &c. &c.

No. 9.

The Right Hon. Stratford Canning to Mr. Secretary Canning.—(Received April 20.)

(Extract.) Washington, March 10, 1823.

A RESOLUTION introduced by Mr. Mercer, one of the Members from Virginia, was taken into consideration on one of the latest days of the Session, and was carried by the very large majority of one hundred and thirty-one voices against nine. Mr. Mercer's Resolution makes no mention of the right

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of search, but points to a Declaration of Piracy, against the Slave Trade, to be effected, in the first instance, by negociation among such Powers as are disposed to fix that character upon the Traffick in Slaves, and ultimately by a general recognition of it, as forming a constituent part of the Common Law of Nations. The Resolution is thus expressed.

"That The President of the United States be requested to enter upon, "and to prosecute, from time to time, such negociations with the Maritime "Powers of Europe and America, as he may deem expedient for the abolition "of the African Slave Trade, and its ultimate denunciation as Piracy, under "the Law of Nations, by the Civilized World."

(Signed) STRATFORD CANNING.

The Right Hon. George Canning.
&c. &c. &c.

No. 10.

The Right Hon. Stratford Canning to Mr. Secretary Canning.—(Received May 9.)

SIR, Washington, March 31, 1823.

I HASTEN to transmit to you the inclosed copy of an Answer which I have received from the American Secretary of State, to my Official Letter of January 29th, on the necessity of concerting more effectual measures for the suppression of the Slave Trade. It will, doubtless, afford you satisfaction to find that the Government of the United States, though they persist in declining to concede the right of search, proposed on the part of His Majesty, declare their willingness to join with other Nations in treating the Slave Trade as Piracy; and offer, with that principle in view, as a substitute for the right of search, to enter into a mutual engagement with Great Britain. This proposal you will observe, is grounded on a late Resolution of the House of Representatives, which I have already had the honour of making known to you. I hope to have some further communication on the subject with Mr. Adams, before the departure of the monthly Packet. In the mean time, it only remains for me to mention, that Mr. Gallatin has lately made a separate representation to the French Ministry, with reference to the Slave Trade, agreeably to what it appears that he had led His Majesty's Ambassador at Paris to expect.

I have, &c.

(Signed) STRATFORD CANNING.

The Right Hon. George Canning.
&c. &c. &c.

(First Inclosure in No. 10.)

John Quincy Adams, Esq. to The Right Hon. Stratford Canning.

Department of State,
SIR, Washington, March 30, 1823.

YOUR Letter of the 29th January, was, immediately after being received, submitted to the consideration of The President of the United States. The delay which has hitherto procrastinated a reply to it, has been occasioned, not by any abatement of the interest, on the part of the Government of the United States, with which it regards every effort and proposal for the full and final suppression of the African Slave Trade; nor by any hesitation with

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regard to the decision, which had already been formed and declared, respecting the proposal of submitting the Vessels and Citizens of the United States to the search of Foreign Officers upon the high seas; but by an expectation that measures, contemplated by the National House of Representatives, might, before the close of the Session of Congress, indicate to the Executive Government of this Country, views, upon which it would be enabled to substitute a proposal, for accomplishing the total abolition of the traffick, more effectual to its purpose, and less liable to objections on other accounts, than that, to which the United States cannot be reconciled, of granting the right of search. These measures were matured in the branch of the Legislature where they originated, only at the very termination of the Session, and the Senate had not the opportunity of pronouncing its opinion upon them. There is, however, no doubt on the mind of The President, that they would have obtained their sanction; and he has, therefore, no hesitation in acting so far upon the expressed and almost unanimous sense of the House, as to declare the willingness of this Union, to join with other Nations in the common engagement to pursue and to punish those who shall continue to practise this crime, so reprobated by the just and humane of every Country, as enemies of the human race, and to fix them irrevocably in the class, and under the denomination, of Pirates.

I have the honour of inclosing, herewith, a copy of the fourth and fifth Sections of a Law of the United States, passed on the 15th of May, 1820, by which it will be seen, that any Citizen of the United States, being of the crew or ship's company of any Foreign ship or vessel engaged in the Slave Trade, or any Person whatever, being of the crew or ship's company of any ship or vessel owned, in the whole or part, or navigated for, or in behalf of, any Citizen or Citizens of the United States, participating in the Slave Trade, is declared to have incurred the penalties of Piracy, and made liable to atone for the crime with his life. The Legislation of a single Nation can go no farther to mark its abhorrence of this traffick, or to deter the people, subject to its Laws, from contamination, by the practice of others.

If the inference in your Letter of the 29th of January, from the Documents to which it refers, be correct, that the French flag is more particularly employed to cover the illicit trade on the Coast of Africa, and the conjecture likewise suggested in it, that this flag is used to cover the property and the persons of individuals bound to other allegiances, be well founded; this Statute makes every Citizen of the United States, concerned in such covered traffick, liable, if detected in it, to suffer an ignominious death. The code of Great Britain herself, has hitherto no provision of equal severity in the pursuit of her subjects, even under the shelter of Foreign banners, and to the covert of simulated papers and property.

I am directed by The President of the United States to propose, on their part, the adoption by Great Britain of the *principle* of this Act; and to offer a mutual stipulation to annex the penalties of *Piracy* to the offence of participating in the Slave Trade, by the Citizens or Subjects of the respective Parties. This proposal is made as a substitute for that of conceding a mutual right of search, and of a trial by Mixed Commissions, which would be rendered useless by it. Should it meet the approbation of your Government, it may be separately urged upon the adoption of France, and upon the other Maritime Powers of Europe, in the manner most conducive to its ultimate success.

I have the honour of tendering to you the renewed assurance of my distinguished consideration.

(Signed) JOHN QUINCY ADAMS.

The Right Hon. Stratford Canning,
&c. &c. &c.

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(Second Inclosure in No. 10.)

Extract of an Act of Congress, approved 15th May 1820, "to continue in "force 'An Act to protect the Commerce of the United States, and punish "'the crime of Piracy'—and also to make further provision for punishing "the crime of Piracy."

Sect. IV. *And be it further Enacted,*—That if any Citizen of the United States, being of the crew or ship's company, or any Foreign ship or vessel engaged in the Slave Trade, or any Person whatever, being of the crew or ship's company of any ship or vessel, owned in the whole or part, or navigated for, or in behalf of, any Citizen or Citizens of the United States, shall land from any such ship or vessel, and on any Foreign shore seize any Negro or Mulatto, not held to service or labour by the Laws of either of the States or Territories of the United States, with intent to make such Negro or Mulatto a Slave; or shall decoy, or forcibly bring and carry, or shall receive such Negro or Mulatto on board any such ship or vessel, with intent as aforesaid; such Citizen or Person shall be adjudged a Pirate, and, on conviction thereof, before the Circuit Court of the United States for the district wherein he may be brought or found, shall suffer death.

Sect. V. *And be it further Enacted,*—That if any Citizen of the United States, being of the crew or ship's company of any Foreign ship or vessel engaged in the Slave Trade, or any Person whatever, being of the crew or ship's company of any ship or vessel, owned wholly, or in part, or navigated for or in behalf of any Citizen or Citizens of the United States, shall forcibly confine or detain, or aid and abet in forcibly confining or detaining, on board such ship or vessel, any Negro or Mulatto not held to service by the Laws of either of the States or Territories of the United States, with intent to make such Negro or Mulatto a Slave, or shall, on board any such ship or vessel, offer or attempt to sell, as a Slave, any Negro or Mulatto not held to service as aforesaid, or shall, on the high seas, or any where on tide water, transfer or deliver over to any other ship or vessel, any Negro or Mulatto not held to service as aforesaid, with intent to make such Negro or Mulatto a Slave, or shall land or deliver on shore, from on board any such ship or vessel, any such Negro or Mulatto, with intent to make sale of, or having previously sold such Negro or Mulatto as a Slave, such Citizen or Person shall be adjudged a Pirate, and on conviction thereof, before the Circuit Court of the United States for the district wherein he shall be brought or found, shall suffer death.

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SWEDEN.

No. 1.

C. M. St. George, Esq. to The Marquess of Londonderry.—(Received May 28.)

(Extract.) Stockholm, May 16, 1822.

I BROUGHT to the knowledge of Count Engestrom, in the manner prescribed by Your Lordship, the statement of the facilities afforded to the Slave Trade at St. Bartholomew, and have received in reply the inclosed Note, by which, as Your Lordship will perceive, the Swedish Government, has pledged itself to institute the strictest enquiry as to the abuses alledged against that Island, and to visit the convicted with the utmost rigour of the Law.

The Count requests that Your Lordship will consider the last part of his Note, simply as an additional indication of the willingness of this Government to comply with your wishes, by affording an opening for information; and he authorizes me to say that silence will be interpreted as a proof that none is forthcoming from Your Lordship's Office. The French Mission here has also been lately addressed by Count Engestrom on this subject.

The Marquess of Londonderry, K. G. (Signed) CHAS. M. ST. GEORGE.
&c. &c. &c.

(Inclosure in No. 1.)

Count Engestrom to C. M. St. George, Esq.

Stockholm, le 13 Mai 1822.

LE Soussigné, Ministre d'Etat et des Affaires Etrangères de Sa Majesté Le Roi de Suêde et de Norvège, a reçu la Note que M. de St. George, Chargé d'Affaires de Sa Majesté Britannique, a bien voulu lui adresser en date du 28 du mois passé, par ordre de son Gouvernement, et en consequence d'une assertion renfermée dans une Note, adressée le 12 Mars dernier, par M. de Caraman à S. E. Le Marquis de Londonderry, comme quoi il se fabriquoit de faux papiers Français relatifs à la Traite des Nègres dans la Colonie de St. Barthelemy.

L'experience a malheureusement constaté jusqu'à quel point ces abus honteux ont été poussés dans quelques Pays de l'Europe, durant les dernieres guerres; mais le Soussigné aimerait cependant à croire, qu'une aussi profonde dèmoralisation n'aura point encore été introduite parmi les habitans de la Colonie de St. Barthelemy, et il croit devoir ajouter, que si M. de Caraman avait pu appuyer cette accusation sur des preuves suffisantes, la Mission de Sa Majesté Très Chrétienne à Stockholm aurait, d'après toutes les probabilités reçu l'ordre d'adresser officiellement au Ministère du Roi des plaintes à cet égard.

Neanmoins, et pour donner une preuve de son désir sincère de contribuer en autant qu'il dépend de Lui, au maintien de l'ordre en général et à la découverte de menées aussi criminelles qu' opposées aux interêts de l'humanité, Le Roi a autorisé le Soussigné de declarer à M. de St. George, que les recherches les plus scrupuleuses seront ordonnées au sujet des abus désignés, et

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que les coupables, s'il y en a, n'echapperont point à la séverité des Loix; mais le Soussigné croit devoir en même tems inviter M. de St. George, à demander à son Gouvernement tous les éclaircissemens que M. de Caraman aura sans doute fourni au Ministère Britannique, depuis l'envoi de sa Note.

Le Soussigné profite de cette occasion, &c. &c

M. de St. George, &c. &c. &c. (Signé) LE COMTE D'ENGESTROM.

(Inclosure in No. 1.)

Count Engestrom to C. M. St. George, Esq.

(Translation.) Stockholm, May 13, 1822.

THE Undersigned, Minister of State and for Foreign Affairs of His Majesty The King of Sweden and Norway, has received the Note which Mr. St. George, the Chargé d'Affaires of His Britannick Majesty, has been pleased to address to him, under date of the 28th ultimo, by order of his Government, and in consequence of an assertion contained in a Note, addressed by Monsieur de Caraman to His Excellency The Marquess of Londonderry on the 12th of March last, stating that false French Papers were fabricated relative to the Slave Trade in the Colony of St. Bartholomew.

Experience has unfortunately proved to what extent these shameful abuses were carried in several Countries of Europe during the last war; but the Undersigned would, notwithstanding, willingly believe that such gross demoralization has not yet found its way amongst the Inhabitants of the Colony of St. Bartholomew, and he thinks it right to add, that if M. de Caraman could have supported the accusation by sufficient proofs, the Mission of His Most Christian Majesty at Stockholm, would in all probability have received orders to make an official complaint to the Swedish Ministry on the subject.

Nevertheless, The King, in order to manifest His sincere desire to contribute, as far as depends upon Him, to the maintenance of order in general, and to bring to light manœuvres no less criminal than contrary to the interests of humanity, has authorized the Undersigned to declare to Mr. St. George, that the most minute investigation shall be made touching the aforesaid abuses, and that the guilty, should there be any, shall not escape the severity of the Laws: but the Undersigned thinks it right at the same time to request Mr. St. George to obtain from his Government, all the information that M. de Caraman will, doubtless, have furnished to the British Ministry, since the delivery of his Note.

The Undersigned profits of this opportunity, &c.

C. M. St. George, Esq. &c. &c. &c. (Signed) LE COMTE D'ENGESTROM.

No. 2.

Mr. Secretary Canning to Charles M. St. George, Esq.

SIR, Foreign Office, October 19, 1822.

THE accompanying Paper will put you in possession of the circumstances under which a vessel, named the *Joseph*, which was found illegally trading in Slaves, assumed the Swedish flag in order to escape the penalty to which she would have been subject under the flag of that Country to which she belonged.

The Governments of those Countries which have renounced the Slave

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Trade, although they may object, or may have delayed, to take international measures to ensure the discontinuance of it on the part of their subjects, can hardly deny that frauds like these call loudly for their interposition.

It cannot be indifferent to their feelings, or to their honour, that their flag should be thus prostituted to purposes which they have disavowed, in contravention of their own solemn abjurations.

His Majesty has, therefore, deemed it a proper attention to the Court of Stockholm, that a communication of this fact should be forthwith made to the Swedish Government; not doubting but that His Swedish Majesty, the character of whose flag has been in this instance indecently and fraudulently abused, will be the first to issue a Declaration so consonant to the principle of His engagements of the 3d March 1813; "not to permit the subjects of "Sweden to engage in the Slave Trade;" by which He will disclaim any wish to protect persons who thus wickedly assume and disgrace the Swedish flag, and will direct that they may be dealt with, as if that flag had not been so assumed.

Whether such Declaration shall be issued in the shape of a publick Manifesto, or shall be conveyed in that of an Official Note, to be transmitted to the British Government, with permission to furnish copies of it to British cruizers, is a matter entirely for His Swedish Majesty's consideration:—but, in one shape or other, it is to be hoped that you will be able to induce M. d'Engestrom to prevail with His Swedish Majesty to consent to the issue of it without delay.

I am, &c.

Chas. M. St. George, Esq. &c. &c. &c. (Signed) GEORGE CANNING.

(Inclosure in No. 2.)

Paper relating to the Ship *Joseph*.

(Extract.) Sierra Leone, July 9, 1822.

THE case of the ship *Joseph* is of a peculiar description, and as it may, and doubtless will happen again, requires early attention.

This vessel was captured at the Gallinas, and after capture pretended to be a Swedish vessel. She had on board Swedish, English and American colours,—a clearance from Matanzas, in Cuba—the measurement of a vessel called the Joseph at Gustavia, St. Bartholomews, dated July 1819,—and a certificate *in English*, dated the same Place, the same time, and purporting to testify that Johan Krause had made oath he was the Owner of the said schooner Joseph,—and signed by a Notary. She had no other ship's paper whatever, except her log, kept in English by Elliot, the Mate. The Master, *Krause*, whose real name is suspected to be *De la Cruz*, called himself Owner, and was the only one on board who pretended to be a Swede. The two Mates pretended to be Americans, the sailors were Americans, French, Danes, and one an acknowledged Irishman.

In the private examinations taken, it was found the cargo was shipped at Matanzas, by one Zacharius Atkins, whom one of the parties believed to be an Englishman. On her arrival on the Coast she was repaired at Bulama, and in the Rio Grande, by the assistance of David Lawrence, a son of old Lawrence's; and Slaves were purchased from him, and Pock, an Englishman; D. Lawrence's signature to the oath of allegiance was produced.

Having thus a fair *primâ facie* case, A. B. determined to try how far the Judge would act up to law and practice, and oblige the claimants to furnish proof in opposition to our case, or, in default of claim and proof on their part, would condemn the property. A. B. therefore libelled her under the British Abolition Acts. The Judge, however, determined, that though not properly documented

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as a foreign vessel, yet, if she had a foreign flag, we had no right to enquire into the property, unless English interest was so self-evident that it must be seen by all; that it being doubtful in this Case he should consider her as a *bonâ fide* foreign vessel; that Bulama, though belonging to His Majesty, was not in His actual possession: that David Lawrence having taken the oath of allegiance as a matter of policy or convenience, at the time of the Rio Pongas expeditions, could not be considered a British subject, except when in British Territory: that the fact of purchasing Slaves from a British subject did not render the foreign vessel liable to any penalty; and that, therefore, being a foreign vessel, and in his opinion not affected by the transactions at Bulama, she must be released: that he could not allow that if no claim was made the seizors were entitled to a judgment; nor would he allow the "*onus probandi*" to lie on the claimants; he would in all such cases force the seizors to prove the whole of their allegations.

A. B. quoted Acts of Parliament and Admiralty decisions to shew he was wrong, but to no purpose; she was released. He, however, recommended we should try our luck in the British and Spanish Mixed Commission Court. This decision took up thirty days.

In the Mixed Commission Court a claim for restoration and damages was given in at once, A. B. proceeded over nearly the same ground, and brought home perjury to the Master, several times. Here the Judge (Fitzgerald), was for condemnation on the grounds that Atkins was part Owner, at least, and that Krause had sworn to so many lies that he could not be believed when he asserted she was a Swede. Mr. Gregory, however, objected; he believed she was a Swede, and did not think, if employed on account of Spanish subjects, or even if partly owned by them, she could be condemned if sailing under another flag. A. B. pressed upon him that part of the fifth Article, which declares unlawful, Slave-trading, "either by Spanish ships or under the "Spanish flag, *or for the account of Spanish subjects by any vessel or under* "*any flag whatever*, after the 30th May 1820, &c." and asked him what it could apply to, but to vessels under circumstances like this. He gave no answer, and we continued in this state of suspense for five weeks, with the Judges of different opinions. Mr. Gregory, however, got enlightened soon after the Commodore's return; found out that Krause was a great liar, the Swedish papers a sham, the vessel all Spanish, and he condemned her.

It has at last turned out that she is not *the Joseph*, Krause had at Gustavia, but a vessel picked up at Matanzas, and fitted out for this voyage under the same name.

No. 3.

C. M. St. George, Esq. to Mr. Secretary Canning.—(Received December 5.)

SIR, Stockholm, November 7, 1822.

ON the 4th instant I had the honour to receive your Despatch of the 19th ultimo, concerning the ship *Joseph*, as engaged in the Slave Trade, and have begun to execute the commands contained in it.

I have the honour to be, &c.

(Signed) CHAS. M. ST. GEORGE.

The Right Hon. George Canning,
&c. &c. &c.

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No. 4.

C. M. St. George, Esq. to Mr. Secretary Canning.—(Received December 25.)

(Extract.) Stockholm, December 14, 1822.

YOU will receive with satisfaction the inclosed Note from Count d'Engeström, which, publickly and explicitly, abjures, on the part of The King of Sweden, all concern whatever, in any form or modification of Slave Trade,—excludes from the protection of the Swedish flag all persons or vessels, whether Swedish or foreign, that may be found engaged in that traffick, and authorizes the transmissal to His Britannick Majesty's cruizers of Count Engeström's Declaration to the above effect.

The Right Hon. George Canning, &c. &c. &c. (Signed) C. M. ST. GEORGE.

(*Inclosure in No. 4.*)

Count Engestrom to C. M. St. George, Esq.

Stockholm, le 13 Decembre 1822.

LE Soussigné, Ministre d'Etat et des Affaires Etrangères de S. M. Le Roi de Suède et de Norvège n'a pas manqué de mettre sous les yeux du Roi, la Note, que M. de St. George, Chargé d'Affaires de Sa Majesté Britannique, a bien voulu lui adresser, en date du 9 Novembre, rélativement aux mesures à prendre pour prévenir l'abus du pavillon Suédois dans la Traite des Négres; et le Soussigné se fait un devoir bien agréable de faire part à Monsieur de St. George des hautes décisions du Roi sur un objet aussi intéressant.

Pour ce qui concerne d'abord le fait particulier, cité dans la Note de Monsieur de St. George, il paroit constaté par la procédure, que le bâtiment, *le Joseph*, étoit Espagnol, malgré qu'il se soit illicitement servi du pavillon Suédois. Les recherches les plus scrupuleuses seront néanmoins ordonnées dans la Colonie de St. Barthelemy pour obtenir, s'il est possible quelques renseignemens plus positifs à cet égard, lesquels seront de suite communiqués au Ministère de S. M. Britannique.

Pour ce qui en est des mesures plus générales à adopter contre les abus en question, S. M. Le Roi de Suède et de Norvège sera le premier à y concourir par tous les moyens en Son pouvoir. La Législation Suédoise essentiellement protectrice des droits de l'humanité a depuis un tems immémorial, aboli et defendu l'esclavage sous quelque forme qu'ils se présentat; et la Traite des Négres s'est par conséquent trouvé impliquée dans cette defense générale. Le Roi compte parmi les plus beaux titres de gloire de Son Auguste Père, feu S. M. Le Roi Charles XIII. de s'être associé aux nobles efforts du Gouvernement et de la Nation Britannique, pour prévenir ce fléau de l'humanité, par l'engagement contracté dans la section 4 de l'Article séparé du Traité du 3 Mars 1813, engagement, qui découloit naturellement du texte même de nos Loix; mais qui n'en renfermoit pas moins la déclaration la plus explicite des principes, qui ne cesseront jamais d'être ceux du Gouvernement du Roi. La Suède a depuis pris part aux mesures adoptées par le Congrès de Vienne, pour effectuer l'abolition d'un trafic, honteux pour l'humanité, indigne d'un siécle civilisé et également dégradant pour ceux qui s'y livrent, et pour ceux qui en sont les malheureuses victimes. Confondant ainsi les antiques dispositions des Loix de la Suède avec les engagemens récemment

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contractés avec un Gouvernement Allié, qui de tout tems s'est prononcé avec courage et persévérance contre l'oppression, Le Roi se félicite de pouvoir donner en cette occasion un nouveau gage des sentimens, qui animent Sa Majesté, ainsi que de Son désir d'aller au devant des vuës éclairées et bienfaisantes de Sa Majesté Britannique, en autorisant le Soussigné à déclarer:

Que tout bâtiment Suédois ou Norvégien qui, contre toute attente, seroit trouvé employé dans une entreprise aussi illicite que la Traite des Négres, ayant contrevenu aux Loix du Pays, sera censé avoir renoncé par le fait même, à tout droit de réclamer la protection du Gouvernement Suédois et Norvégien, laquelle lui seroit refusée le cas échéant; qu'à plus forte raison, Sa Majesté n'entend point, que le pavillon Suédois ou Norvégien frauduleusement porté par des bâtimens étrangères puisse leur servir de protection contre les inconveniens, auxquels ils se seront exposés en se livrant à un trafic aussi odieux: Que Le Roi sera toujours redevable au Gouvernement Britannique de la découverte et de la punition de tout abus du pavillon Suédois ou Norvégien, dont Sa Majesté cherche à soutenir l'honneur en toute occasion; et enfin, que par suite de ces principes, Le Roi consent, à ce que tout bâtiment trouve engagé dans la Traite des Négres et portant pavillon Suédois ou Norvégien, soit traité exactement comme s'il n'avoit jamais arboré ce pavillon.

En donnant ces assurances au Ministère de Sa Majesté Britannique, au nom du Roi, son Auguste Souverain, le Soussigné est chargé d'ajouter que le Gouvernement Suédois n'a aucune objection à ce que le conténu de cette Nôte soit porté à la connoissance des Officiers Commandans de S. M. Britannique de la manière qui sera jugée la plus convenable.

Le Soussigné profite de cette occasion, &c.

(Signed) LE COMTE D'ENGESTROM.

M. St. George,
&c. &c. &c.

(Inclosure in No. 4.)

Count Engestrom to C. M. St. George, Esq.

(Translation.) Stockholm, December 13, 1822.

THE Undersigned, Minister of State and for Foreign Affairs of His Majesty The King of Sweden and Norway, did not fail to submit to The King the Note, under date of the 9th November, addressed to him by Mr. St. George, the Chargé d'Affaires of His Britannick Majesty, relative to the measures to be adopted for preventing the abuses of the Swedish flag in the Slave Trade; and the Undersigned considers it a very agreeable duty to make known to Mr. St. George the high decisions of The King on so interesting a subject.

In the first place, so far as regards the particular fact mentioned in Mr. St. George's Note, it appears established by the procedure, that the vessel, the Joseph, was Spanish, notwithstanding its having illicitly carried Swedish colours. The most scrupulous researches shall, however, be ordered in the Colony of St. Bartholomew, for the purpose of obtaining, if possible, more positive information on the subject, which shall be immediately communicated to the Minister of His Britannick Majesty.

With regard to the more general measures to be adopted against the abuses in question, His Majesty The King of Sweden and Norway will be the first to concur in them by every means in his power. The Swedish Legislature, essentially the Protector of the Rights of Humanity, has, from time immemorial, abolished and prohibited slavery, under whatever form it might present itself; and the Slave Trade is consequently included in this general prohibition. The King reckons amongst the most noble titles to

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glory of his August Father, His late Majesty Charles XIII, that of having associated himself in the noble efforts of the British Government and Nation to prevent this scourge to humanity, by the engagement contracted in the fourth Section of the separate Article of the Treaty of the 3d March 1813, an engagement which flowed naturally from the very text of our Laws, but which did not less contain the most explicit declaration of principles which will never cease to be those of The King's Government. Sweden has since taken a part in the measures adopted by the Congress of Vienna, to effect the abolition of a traffick which is a disgrace to humanity, unworthy of a civilized age, and equally degrading to those who carry it on, and to those who are its unfortunate victims. Blending thus the ancient provisions of the Swedish Laws with the engagements recently contracted with an Ally, who, with courage and perseverance, has at all times, declared Himself an enemy to oppression; The King is happy in being able, on this occasion, to give a new proof of the sentiments by which His Majesty is actuated, as well as of His desire to anticipate the enlightened and beneficent views of His Britannick Majesty, and has therefore authorized the Undersigned to declare:

That all Swedish or Norwegian vessels which, against every expectation, shall be found employed in so illicit a traffick as the Slave Trade,—having violated thereby the Laws of the Country,—shall be considered as having, by the fact itself, renounced the right of claiming the protection of the Swedish and Norwegian Government, which, in such case, shall be refused:—and His Majesty further declares that the Swedish or Norwegian flag, fraudulently used by foreign vessels shall be no protection to them against the consequences to which they will be exposed in carrying on so odious a traffick:—That The King will always be thankful to the British Government for the discovery and punishment of the abuses of the Swedish or Norwegian flag, of which His Majesty seeks, on all occasions, to sustain the honour;—and, finally, n furtherance of these principles, The King consents that every vessel found engaged in the Slave Trade under the Swedish or Norwegian flag, shall be treated in all respects as if it had never carried that flag.

In making these assurances to the Ministry of His Britannick Majesty, in the name of The King, his August Sovereign, the Undersigned is commanded to add, that the Swedish Government has no objection to the contents of this Note being made known to the commanding Officers of His Britannick Majesty, in whatever manner may be deemed expedient.

The Undersigned profits by this opportunity, &c.

(Signed) THE COUNT D'ENGESTROM.

C. M. St. George, Esq.
&c. &c. &c.

No. 5.

Charles M. St. George, Esq. to Mr. Secretary Canning.—(Received April 4.)

(Extract.) Stockholm, March 20, 1823.

IN reference to my Despatch of the 14th of December of last year, I have the honour to inclose a Proclamation, lately issued by this Government, declaring the Swedish and Norwegian flag to be no protection, in any case of Slave-dealing whatever.

(Signed) CHARLES M. ST. GEORGE.

The Right. Hon. George Canning;
&c. &c. &c.

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(Inclosure in No. 5.)

(Translation.)

Royal Ordinance respecting the consequences to which Swedish Vessels expose themselves, which shall be employed in the Slave Trade.

WE, Charles John, do hereby declare, that, desiring most carefully to maintain the principles which have been adopted by Our Father, King Charles the Thirteenth, of glorious memory, and which are conformable to Our own sentiments, against the Traffick of Slaves, We have found it expedient hereby to declare, that Swedish and Norwegian vessels which shall be employed in the Slave Trade, shall lose by this contravention of Our Orders, Our Royal protection, and that of our Officers and Functionaries; that we shall see with satisfaction, discovered and punished, every use which may be made of the Swedish and Norwegian flag in the prosecution of this odious traffick; and that, in consequence, all vessels which shall be found participating in the Slave Trade under Swedish and Norwegian colours, shall be looked upon as not carrying those colours; which shall hereafter be considered as a Law.

In virtue of which, &c.

(Signed) CHARLES JOHN, (L. S.)

Given at the Palace of Stockholm this Seventh day of February 1823.

(Signed) C. D. SKOGMAN.

No 6.

Mr. Secretary Canning to Sir Benjamin Bloomfield.

SIR, Foreign Office, May 9, 1823.

MR. ST. GEORGE inclosed to me, in his Despatch of the 20th of March last, the copy of a Proclamation which The King of Sweden issued on the 7th of February 1823, declaring that all vessels, Swedish or Norwegian, or under Swedish or Norwegian colours, found to be participating in the Slave Trade, should forfeit all right to the protection of the Swedish or Norwegian flag, or sovereignty.

I am to direct you to state to the Government of Sweden, that His Majesty has derived great satisfaction from this convincing mark of His Swedish Majesty's firm and honourable determination, to adhere to the principle of "not permitting Swedish subjects to engage in the detestable Traffick in "Slaves."

You will add, that, in order to give due effect to the spirit of this Proclamation, and to enable Great Britain to issue corresponding Instructions to her cruizers, and to the British Commissioners, and others employed in putting down illegal Slave Trade, it will be essential that a Conventional Arrangement should be entered into between Great Britain and Sweden, binding upon both Parties, with respect to the effect of the Proclamation, and defining (if it be thought necessary), the measures and the forms which are to be adhered to in carrying the object of that Document into execution.

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You will state that you are ready to open a Negociation upon this matter; and, if there shall appear to be a disposition to come to some definitive arrangement upon it, you will invite them to prepare the *Projet* of a Treaty or Convention, which you will transmit home for consideration. Full Powers for concluding the same will be sent out to you, as soon as the state of the Negociation shall render it necessary.

I inclose, in the mean while, for your information and guidance, copies of the several Papers which have been laid before Parliament by His Majesty's command, upon the subject of the Slave Trade, including copies of the Treaties entered into by His Majesty with Spain, Portugal, and the Netherlands, for preventing the continuation of this odious Traffick.

I am, &c.

(Signed) GEORGE CANNING.

The Right Hon. Sir Benjn. Bloomfield,
&c. &c. &c.

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DENMARK.

No. 1.

H. U. Addington, Esq. to The Marquess of Londonderry.—(Received April 25.)

(Extract.) Copenhagen, April 16, 1822.

I HAVE the honour to acknowledge the receipt of Your Lordship's Despatch of the 26th March, relative to the irregular practices pursued at the Danish Colony of St. Thomas, in furtherance of the Slave Trade.

I lost no time in bringing this subject under the consideration of this Government; and M. Rosenkrantz assured me that orders should be immediately dispatched to the Governor of the Danish West India Colonies, to sift the matter to the bottom, and to adopt the necessary measures for preventing a recurrence of the practices complained of.

(Signed) H. U. ADDINGTON.

The Marquess of Londonderry, K. G.
&c. &c. &.

No. 2.

Augustus J. Foster, Esq. to Earl Bathurst.—(Received September 18.)

My Lord, Copenhagen, September 10, 1822.

I HAVE the honour to transmit to Your Lordship the inclosed copy of a Reply, which M. Rosenkrantz, His Danish Majesty's Minister for Foreign Affairs, has just sent to me, in answer to the representation which Mr. Addington made to him, pursuant to the instructions he had received from Lord Londonderry the 26th of last March, in consequence of a complaint of the French Government, relative to a practice, said to exist at St. Thomas's, of counterfeiting French ship's papers, for the use of vessels engaged in the Slave Trade, but which allegation the Danish Minister shews, by the admission of the French Commercial Agent himself, who was said to have given the information, to be wholly groundless.

I have the honour to be, &c.

Earl Bathurst, K. G. (Signed) AUGUSTUS J. FOSTER.
&c. &c. &c.

(Inclosure in No. 2.)

M. de Rosenkrantz to Augustus J. Foster, Esq.

Monsieur, Copenhague, le 4 Septembre 1822.

SOUS le 14 Avril dernier, Monsieur Addington, Chargé d'Affaires de Sa Majesté Britannique, m'a fait part d'un mémoire, remis au feu Marquis de Londonderry, par Le Comte de Caraman, et portant la dénonciation pré-

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tendûment faite par Monsieur de Ligny, Agent François à St. Thomas, " que " dans cette Ile il se fabrique de faux papiers de bord, revêtus de la signature " contrefaite du Gouvernement de la Guadeloupe, ou de celle du Gouverneur " de la Martinique, à la faveur desquels des spéculateurs étrangères rejettent " sur la Commerce François l'odieux d'un trafic illicite—la Traité des Nègres; " et que de plus M. de Ligny se seroit trouvé dans le cas d'avoir à demander " au Commandant de St. Thomas de faire tirer sur un bâtimènt qui étoit " entré le matin sous pavillon Danois, et qui sortit le même soir sous pavillon " François."

Ayant requis le Gouverneur-Général des Iles Danoises, aux Indes Occidentales, de faire examiner scrupuleusement, l'objet d'une dénonciation faite avec tant d'assurance, en citant des sources officièlles, J'ai l'honneur de vous informer, Monsieur, que d'après les éclaircissemens fournis par le dit Gouverneur-Général, aussi bien que par le Commandant de St. Thomas, rien n'a été decouvert qui pourroit servir à constater, où même à faire soupçonner la réalité des faites dénoncés; que dans l'Ile de St. Thomas il n'existe pas même la possibilité de contrefaire des papiers quelconques, vû qu'aucun graveur n'y est établi et qu'il n'y a qu'une seule imprimerie fort imparfaite à peine propre à imprimer une Gazette; et que finalement l'Agent François à St. Thomas interpellé à s'expliquer sur les faits qui auroient pu motiver sa dénonciation, a formellement et par écrit désavoué d'avoir jamais fait une pareille dénonciation, gratuitement mise sur son compte, ou d'avoir eu recours au Commandant de St. Thomas pour l'affaire du bâtiment en question.

Je me flatte, Monsieur, que ces éclaircissemens suffiront pour qu'aux yeux de Votre Gouvernement, les Autorités du Roi dans les Colonies soient justifiés d'un accusation de négligence répréhensible et peu méritée.

J'ai l'honneur d'être, &c. &c.

M. Augustus J. Foster, &c. &c. &c.

(Signé) N. ROSENKRANTZ.

(Inclosure in No. 2.)

M. de Rosenkrantz to Augustus J. Foster, Esq.

(Translation.)

SIR, Copenhagen, September 4, 1822.

ON the 14th of April last, Mr. Addington, Chargé d'Affaires of His Britannick Majesty, communicated to me a Memorandum transmitted to the late Marquess of Londonderry by The Count de Caraman, and containing the denunciation made, as is pretended, by Monsieur de Ligny, French Agent at St. Thomas's: " that in this Island false ship-papers are fabricated, provided " with the forged signature of the Guadaloupe Government, or with that of " the Governor of Martinico, by means of which, foreign Speculators throw on " French commerce the odium of an illegal traffick—the Slave Trade; and " that, moreover, Monsieur de Ligny had found himself under the necessity of " requiring the Commandant of St. Thomas to give orders for firing " upon a vessel which had entered in the morning under the Danish flag, " and went out the same evening under the French flag."

Having required the Governor-General of the Danish Islands in the West Indies to institute a rigorous inquiry into a denunciation made with so much confidence, and quoted as coming from official sources, I have the honour to inform you, Sir, that according to the explanations given by the said Governor-General, as well as by the Commandant

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of St. Thomas, nothing has been discovered which could lead to prove, or even to raise a suspicion of the truth of the facts denounced; that in the Island of St. Thomas there does not even exist the possibility of forging any Papers whatsoever, there not being a single Engraver established there, and there being only one Printing Press, very imperfect, and scarcely fit for printing a Gazette; and that, lastly, the French Agent at St. Thomas, when called upon to explain himself as to the facts which might have led to the denunciation, has, formally, and in writing, denied having ever made such a denunciation, gratuitously imputed to him, or having had recourse to the Commandant of St. Thomas respecting the vessel in question.

I flatter myself, Sir, that these explanations will be sufficient, to justify in the eyes of your Government, The King's Authorities in the Colonies from a reprehensible and undeserved charge of negligence.

I have the honour to be, &c.

Augustus J. Foster, Esq. (Signed) N. ROSENKRANTZ.
&c. &c. &c.

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Class B.

CORRESPONDENCE

WITH

THE BRITISH COMMISSIONERS,

AT

SIERRA LEONE, THE HAVANNAH,

RIO DE JANEIRO, AND SURINAM,

RELATING TO

THE SLAVE TRADE.

1822. 1823.

Presented to both Houses of Parliament, by Command of His Majesty,
1823.

LONDON:

PRINTED BY R. G. CLARKE,

AT THE LONDON GAZETTE OFFICE, CANNON-ROW, WESTMINSTER.

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CORRESPONDENCE

WITH

THE BRITISH COMMISSIONERS.

SIERRA LEONE.---*(General.)*

No. 1.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry — (Received July 19.)

My Lord, *Sierra Leone, April 30, 1822.*

IN the very general notice for the year recently terminated, which we had the honour to address to your Lordship on the 10th of January last, in explanation of the Report of the state of the Slave Trade, dated the 5th of January 1821, no mention was made of the foreign cruizers employed on the coast in the course of that year to counteract and restrain the Slave Traders of their respective nations.

We consider it a matter of duty now to supply that omission, and to add some further facts which appear material to a correct understanding upon the general subject.

The French armed schooners, Momus and Iris, shewed themselves in this harbour on the 13th of May 1821, and sailed in two days after with the professed intention of going down the coast in search of French Slave traders; but no intelligence has been received of their having taken any, although the reports current in the Colony at the time of their departure stated, that ships bearing the French flag were to be found in all the known stations, trading openly for Slaves.

So far as the immediate information of this place extends, these two schooners formed the whole of the French cruizing force sent to the southward of the Bissagos in the year 1821, and this was the whole range and effect of their operations.

Accounts from Goree have, however, stated that His Most Christian Majesty's brig Le Huron, bearing the broad pendant of Monsieur Du Plessis, who commands the French squadron on the coast, went down to the Bight of Benin without approaching Sierra Leone. This Officer, it is understood, detained in the course of his cruize a French vessel charged with violating the French laws prohibiting the Slave Trade, which vessel the Judicial Administration of Senegal refused to condemn.

Monsieur Du Plessis came into Sierra Leone, in the Huron, on the 1st of February in the present year, and sailed again on the 7th of the same month, having prolonged his stay some days with the declared design of conferring with Commodore Sir Robert Mends, and of taking advantage of any suggestion which Sir Robert might communicate for the purpose of rendering his cruize more effective.

Captain Du Plessis before he entered the harbour of Sierra Leone, had gone down the coast, in the month of January, as far as Cape Mount, and had

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examined several French ships, without detaining any. It appears that the French national law gives the right of seizure only in the event of Slaves being found actually on board, or at least that this limitation is established in practice under that law. Captain Du Plessis when he sailed hence in February, proposed to return to the same stations in the hope of finding some of these vessels with Slaves actually embarked. It has been ascertained by the log-book of La Dichosa Estrella, a shipwrecked prize of His Majesty's ship Morgiana, and also by the log-book of the schooner Joseph, a professed Swedish schooner, brought in by Lieutenant Clarkson of the Iphigenia, that both those vessels were visited by Commodore Du Plessis off the Gallinas, on the 12th and 13th of February; but the time that has elapsed without advice of any actual detention being made by that Commodore, gives us reason to think that he has not made any.

The American cruizing force on the coast, in the year 1821, was reduced to a single armed schooner. The Alligator, a vessel of that class, anchored here on the 13th of May 1821, at the same time with the French schooners Momus and Iris, and sailed a tide or two before them. The Alligator made some captures, the ostensible character of some of the vessels detained by her was not American. Considerable attention was, consequently, directed to the determination respecting them. It was at first reported that all the vessels thus taken were condemned by the American Courts; but subsequent information has corrected this statement, and it appears, that some or all of these vessels, not of American character, have been restored.

The Alligator was succeeded on the station by the Shark, a vessel of the same class. The Shark was in this harbour about the close of the year 1821, and again in the commencement of the year 1822: she had not made any captures.

On the departure of the Shark from the coast, a midshipman and a few men belonging to her were left in a small schooner, named the Augusta, to assist the Settlement for American coloured people proposed to be established near Cape Mesurado. The presence of this detachment has given occasion for the junction of a British detachment with it from the Iphigenia, commanded by Lieutenant Clarkson. A schooner, named the Joseph, assuming a Swedish national character, was detained and brought in here early in the month of March, by the Augusta, having these joint detachments on board. Proceedings on charges of Slave trading, were, in the first instance, instituted against the Joseph in the Court of Vice Admiralty, on the grounds of British property or interest and British outfit; these allegations were not sustained in evidence, consequently the jurisdiction of the Judge could not reach the case. But as some prominent facts gave ground to believe, that an examination upon the standing interrogatories, would be effectual in eliciting the means of a conviction in the British and Spanish Court of Mixed Commission, it was recommended from the Bench that a suit should be instituted in that Court; these proceedings have been commenced accordingly.

The detention of the schooner Joseph took place while Sir Robert Mends was in this harbour, and within the range of communicating with his detachment in a short time: but questions of some difficulty may arise in the event of the detention of any vessel by the detachment, while the Iphigenia is at the further extremity of the coast.

These details comprehend the whole of the information which we have to communicate respecting the foreign cruizers on the coast, and their operations since the 5th of January 1821.

The additional facts and circumstances which we have to bring under your Lordship's notice are these:

His Majesty's Commissioners while engaged in the investigation of the case of the Spanish schooner Rosalia, detained by Lieutenant Hagan of His Majesty's brig Thistle, in the Rio Pongos in the month of January, were informed

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by that Officer that this vessel had come to that river, in this instance, for the purpose of closing an account of Slave dealing which had remained unsettled from the preceding year. This, Lieutenant Hagan said he had ascertained in the river, and the limited cargo brought by the Rosalia in her present voyage, consisting only of a few bales of cloth and some boxes of tobacco, appears to confirm that statement.

More recently still, in a special visit of search, in which the creeks of that river were examined by the boats of His Majesty's ship Pheasant, conducted by Lieutenant Stokes, of His Majesty's brig Snapper, under particular instructions from Captain Clavering, it was ascertained that no Slave-trading vessel had been in any part of the river during the last three months. This period would comprehend the whole interval from the time of the capture of the Rosalia in the early part of the month of January.

Communications received in the Colony, from nearly the whole of the Chiefs, concur in expressing a desire to be secured in the enjoyment of the property which they have already realized; and to be permitted to carry on peaceful and legitimate commerce under British protection. The best assurance of the sincerity of these professions is to be found in the knowledge of the state of constant disquiet in which the factories of the river are placed, by the visits of the cruizers in search of Slave ships. A definitive arrangement is now considered likely to be effected within the present year. In the interval the Chiefs seem disposed to recommend themselves to favourable opinion, by a conduct suited to the relation in which they desire to place themselves with respect to this Colony.

The Rio Nunez, which for some years prior to the present time, had not been visited by any British armed vessel, was in the course of the Pheasant's cruize specially examined by the boats of that vessel. The Officer commanding the boats, following Captain Clavering's instructions, ascended the stream of the Rio Nunez as far as it was practicable for his boats, being considerably above an hundred miles, without finding a vessel of any description engaged in the Slave Trade. We are sorry, however, to have to state that Captain Clavering obtained intelligence of the sailing of a vessel, named the Apollo, from Cachco or Bissao with a cargo of Slaves, which were in train of collection for her, when the Conde de Villa Flor was brought off from Bissao by the boats of the Iphigenia.

This fact, together with the antecedent proof of the abuses practised in those places, as disclosed in the mass of papers found on board of the Conde de Villa Flor, will be sufficient to shew to the Portuguese Government the necessity of a total reformation of the Settlements of Bissao and Cacheo.

In connection with the general subject and view of this communication, it seems proper to notice the termination of a petty warfare between two Chiefs named Sanassee and Almami Amurath, residing on the coast between the Rio Pongos and the Rio Nunez. This petty warfare had lasted for some years, without much bloodshed, but with considerable vexation, by the stoppage of the usual intercourse between the interior of the country and the commercial towns on the sea-side. The Solima nation consequently interfered, and a force of near ten thousand men, under the command of a Chief named Yarradi, brother of the King of the Solimas, came down at the instance of one of the contending parties, Almami Amurath; but, as the result would appear to indicate, influenced by the spirit of impartial pacification.

Although this Chief dictated his terms with the absolute authority of an unresisted conqueror, he used his power with rare moderation and disinterestedness. The point which we have to notice more particularly is, that he did not exact or carry off any considerable number of Slaves; for, notwithstanding his general moderation and forbearance, we conceive that he would scarcely have abstained from following the usage of the country in this respect, if the temptation of an active Slave Trade, and a ready market upon the

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adjacent coast, presented the inducements of former times, to levy contributions in that form.

In laying these facts before your Lordship, we are not so much influenced by the desire of maintaining any opinion previously advanced by us, nor of offering any present opinion, as we are by the wish of affording, in existing matters of fact, grounds to ascertain, jointly with the actual extent of foreign co-operation, whether any progress has been made through the system of the Treaties of Mixed Commission towards the repression of the Slave Trade.

While the Foreign Colonies afford profitable markets for the sale of Slaves, the attainment of that object will necessarily be in a great measure local in its commencement, and gradual in its advances; and if it has not made some advance in the country adjacent to this Colony, and under the immediate operation of the various interests of trade and policy, by which the Native Chiefs and their people are connected with the Colonial Government and the Colonial Merchants and Inhabitants generally, it cannot be supposed to be in a better train in places less favourably circumstanced.

We will not disclaim a disposition to hail with alacrity any approach towards the termination or material diminution of the crimes and horrors connected with the Slave Trade upon any part of the coast of Africa, however limited; but in proportion as we value that reformation, we would be unwilling to assume it to ourselves on insufficient grounds, and the prior caution which we would be induced to exercise in that respect, must necessarily be strengthened by the duty of carefully weighing what we communicate to your Lordship, as the result of our settled observations upon the matters of fact brought under our view in the discharge of our official duties; and collected in the range of our immediate researches and enquiries.

We have the honour to be &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 2.

The Marquess of Londonderry to the British Commissioners at Sierra Leone: (and those at Rio de Janeiro, the Havannah and Surinam.)

GENTLEMEN, *Foreign Office, May 17, 1822.*

I FURNISH you herewith, for your information, and that of the other gentlemen of the Commission of which you are members, with the copy of a letter, dated the 2d of April 1822, from the Secretary to the Admiralty, to one of the Under Secretaries for this department, by which you will perceive that there will be in future only *Two* Signatures of the Lords Commissioners of the Admiralty to the Instructions issued in conformity to the Treaties for preventing the illegal Traffick in Slaves.

I am, &c.

(Signed) LONDONDERRY.

His Majesty's Commissioners at Sierra Leone, Rio de Janeiro, The Havannah, and Surinam.

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No. 3.

Mr. Secretary Canning to the British Commissioners at Sierra Leone.

GENTLEMEN, *Foreign Office, November* 26, 1822.

IN reference to your despatch of the 7th of June 1821, stating the departure of M. Le Fer from Sierra Leone, whereby the Commission, of which you are members, was left without a representative on the part of Spain,—I have to send to you for your guidance,—1. the copy of a despatch, addressed, on the 22d February 1822, by the King's command, to His Majesty's Ambassador at the Hague, Minister at Madrid, and Chargé d'Affaires at Lisbon, proposing that the provisions of the Slave Trade Treaty, for the case of the death of one or more of the Commissioners, shall extend to the case of vacancies occurring in the Commissions from illness, or absence on leave. 2dly, I send to you the copy of a despatch, dated the 17th of June 1822, from His Majesty's Minister at Madrid, expressive of the willingness of that Court to adopt the proposed extension of the provisions of the Treaty. 3dly, the extract of a despatch, dated the 27th of June 1822, likewise from His Majesty's Minister at Madrid, stating, that the Spanish Minister had pomised that orders to the effect above mentioned should be sent out without delay to the Commissioners of His Catholick Majesty. 4thly, the copy of a despatch, dated the 6th of April 1822, from His Majesty's Chargé d'Affaires at Lisbon, together with its inclosure, signifying the readiness of the Portuguese Government to sign an Article to the effect suggested. 5thly, the copy of a despatch, dated the 10th of May 1822, from His Majesty's Minister at the Hague, and of its inclosure, stating the acquiescence of the King of the Netherlands in this proposition. And, 6thly, I furnish you with the copy of an Instruction which I addressed, on the 25th September 1822, by the King's command, to His Majesty's Envoy at Madrid, and Ministers at Lisbon and at the Hague, inclosing a project of an Additional Article for sanctioning, in a formal manner, the details of the arrangement in question.

So soon as any more specifick arrangement is agreed upon between the Parties, I shall lose no time in taking His Majesty's pleasure for forwarding the same to you for your guidance.

In the mean time you will endeavour to come to an agreement with your fellow Commissioners, to act in the spirit of the intended arrangement.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone.

No. 4.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received February 14, 1823.)

MY LORD, *Sierra Leone, September* 10, 1822.

WE have had the honour to receive your Lordship's despatch, dated the 17th of May last, inclosing the copy of a letter addressed, under date of the 2d of April, by the Secretary to the Admiralty to one of His Majesty's Under Secretaries for the Foreign Department, by which we perceive that there will be in future only two signatures of the Lords Commissioners of the Admiralty to the Instructions to be issued in conformity to the Treaties for preventing the illegal Traffick in Slaves.

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We shall inform the Foreign Members of the Commissions of this change regarding the authentication of the Instructions to British cruizers under the Treaties. And we have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 5.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received February 14, 1823.)

MY LORD, *Sierra Leone, September 20, 1822.*

IN obedience to the instructions conveyed in your Lordship's letter, dated March the 10th, that we should continue to transmit to your Lordship, from time to time, Reports of the state of the Slave Trade, founded upon the most authentick intelligence that our situation enables us to collect; we have the honour to submit the substance of the information obtained by us on that subject, subsequent to our despatch of the 30th of April.

Considering the coast in three divisions, as before, we have no information of any Slave Trade in the division to the northward of this Colony, further than that we understand that Lieutenant Hagan, in a visit to Bissao and Cacheo about the middle of September, was informed that the Apollo, already noticed in our communications, and especially in our Report of the 30th of April, carried off a full cargo of Slaves as then mentioned; and that another vessel carried off a full cargo since that.

From the Rio Pongos our information is positive and certain. No Slave ship has been in that river since the capture of the Rosalia, on the 11th of January last, by His Majesty's brig Thistle, Lieutenant Hagan. Francisco Freire, the Pilot of that vessel, to whom the command of the vessel and the management of the trade devolved on the death of the original Master, is still in the river, residing at the factory of John Ormond, of Bangaben, not having yet found an opportunity to depart. If the opportunity of a Slave-trading vessel should present itself, there cannot be a doubt that the Slaves retained of those collected for the Rosalia would be shipped off on board of her, for only a certain number of these Slaves, (sixty,) and these of inferior class, were delivered up to Lieutenant Hagan. There is as little doubt that Ormond would readily supply as many others as might be wanted to complete a cargo; for he avows his present abstinence from the trade to be the consequence merely of want of opportunity to dispose of Slaves.

The other chief traders on the river, more particularly William Lawrence and Lightburn, are strong in professions of having altogether abandoned the trade, with a determination not to return to it under any circumstances, but to pursue the fair course of legitimate industry and commerce as planters and general merchants. They declare further, that they find their profits in this course satisfactory and encouraging; and they speak in high terms of the tranquillity that they enjoy in being released from apprehension of the cruizers, and in the consideration of being assured of the protection of the British arms.

These converts from the Slave Trade are, however, but newly entered on this virtuous course, and no secure reliance can be placed on their professions unless they are guarded from relapse, and from the temptations of opportunity for Slave Trade, by frequent returns of British cruizers to the river.

William Lawrence, who resides at Dominge, at the entrance of the river, has been recently at Sierra Leone.

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The objects of William Lawrence's visit to Sierra Leone were to recommend himself to British protection, and to make arrangements for a regular commercial intercourse with the Colony. He succeeded in both objects, which necessarily implies a full assurance of his abandonment of the Slave Trade.

William Lawrence left Sierra Leone to return to his residence at Dominge towards the end of August; he carried with him a large stock of coffee plants supplied from the Chief Justice's farm, near Free Town, at the request of Mr. Macaulay. These plants were intended not for the use of Lawrence alone, but also for distribution to Lightburn and others, among whom Irving and Sterne, of the Kissing branch of the river, were particularly named.

We have been induced to be minute and particular in our account of the circumstances connected with the trade of the Rio Pongos, because the vicinity of that river to the Colony of Sierra Leone, and the commercial intercourse already established, give fair hopes of the speedy and complete eradication of the Slave Trade from its banks.

A commencement would thus be made in the abolition of the Slave Trade in the countries of the native Africans, which we regard as the only perfect abolition.

We have been favoured with some notes concerning the Rio Pongos, by ....., who being recently stationed on medical duty at the Isles de Los, availed himself of an opportunity to visit the river, and passed some days among the principal traders. These notes are worthy of attention as being collected from personal observation.

The Rio Pongos is in reality an œstuary from which many creeks branch out, some of them communicating with the sea, others uniting with other creeks, others penetrating further into the country, not, however, beyond sixty miles, at the utmost, when they terminate, receiving small streams or rivers. Upon these creeks the traders have their factories; and as these traders are already numerous, and the places suitable for other trading establishments almost innumerable, the opportunities for good and for evil commerce cannot easily be equalled.

In the country between Sierra Leone and the Rio Pongos, dissentions and disturbances have arisen from opposite pretensions to the succession to the late King Mungo Demba. The Chief of Foricaria has extended the confusion by insisting, that all trade from the Foulah country shall pass through that place. The people of this Chief hold one of the principal towns on the path of Port Logo, by which a direct intercourse between the Foulah country and Sierra Leone was lately established. That path is now stopped.

In the middle division of the coast, between Sierra Leone and Cape Coast Castle, much Slave Trade has been carried on. The principal resort of these traders is the Rio Gallinas. The vessels employed in this trade have been chiefly French; but some of all the countries concerned in the trade have been occasionally seen there. We have been informed that Krause, the Master and part owner of the schooner Joseph, lately condemned in the British and Spanish Court of Mixed Commission, has a factory at the Gallinas, and has been for some years a constant Slave trader there.

According to the information which we have received at various times from individuals who had opportunity of personal observation, or of communicating with those who had such opportunities, the station of the Gallinas has scarcely at any time been free from Slave traders, and generally from three to five vessels may be found there in search of Slaves.

In the range of coast southward from Cape Coast Castle to the Equator, which is the third division in the apportionment made in our former reports, a remarkable change has taken place by the transfer of the Portuguese Slave Trade from its recent favourite haunts in the Bight of Biafra to the Bight of Benin.

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After the capture of the French and Spanish Slave ships in the river Bonny, on the 7th of April, by the boats of His Majesty's ships Iphigenia and Myrmidon, under the command of Lieutenant Mildmay, Captain Leeke proceeded in the Myrmidon to examine the Calabar.

The Calabar was examined on the 27th and 28th of April by the boats of the Myrmidon and Iphigenia, under the command of Lieutenant Elliot. The Portuguese schooner Defensora da Patria, having one hundred Slaves on board, bound to Prince's Island and Bahia, was taken by Lieutenant Elliot. The vessel being found not seaworthy was destroyed: the Slaves were brought to Sierra Leone, and emancipated by the British and Portuguese Mixed Court. A French vessel called La Tamise, of Marseilles, belonging to Rougemont and Co. was in the river at the time, and had come for a cargo of four hundred Slaves. She was boarded by Lieutenant Elliot, who ascertained these facts from her papers.

No other Slave-ships had been in the Calabar during the four months preceding. This information Lieutenant Elliot received from the Masters of the English vessels trading for palm oil. A tender belonging to one of those vessels arrived from the Cameroons a short time before Lieutenant Elliot visited the Calabar: the information derived from the crew of the tender was that no Slave-trading vessel had been in the Cameroons during the last five or six months. In consequence of this information, Lieutenant Elliot did not proceed to the Cameroons. That river was formerly a station of great resort for the Slave Trade.

Lieutenant Hagan visited the Calabar in the end of the month of June, and learned that no Slave Trade had taken place in the interval since the visit of the boats of the Iphigenia and Myrmidon, with the exception of a shipment of thirty slaves on board of a very small vessel called the San José Xalaça. This vessel put to sea with a short supply of provisions and water, in the expectation of arriving speedily at Prince's Island. The number of Slaves was in the same expectation greatly overproportioned to her means of accommodation. Contrary winds drove her unfortunately out of her course, and, after extreme suffering, she returned to Duke Ephraim's Town at Calabar. Ten of the negroes died of their sufferings, either on board or after the return to the Calabar. The others were delivered up to Lieutenant Hagan and brought to Sierra Leone, with the exception of three, whose exhausted state surpassed the humane efforts of Lieutenant Hagan for their recovery. For the further details of this shocking case, we refer to the particular despatch respecting it

In the river Bonny no Slave-trading vessel had arrived since the capture of the Vecua and Jeanam by the boats of the Iphigenia and Myrmidon. The Captain of the Vecua, and her crew, as well as the crews of the French vessels taken at the same time, were still at King Peppel's Town at Bonny, no opportunity for their departure thence having occurred.

Lieutenant Hagan noticed as a happy result of the check given to the Slave Trade in the rivers Bonny, Calabar, and Cameroons, the improved state of the legitimate commerce. The George Canning, a ship of seven hundred tons, from Liverpool, come for palm oil, had completed her cargo in four months. While the Slave Trade was in full vigour, this would have been a business of nearly twelve months.

In the Bight of Benin, Lieutenant Hagan took the Portuguese brig Estrella, having on board a cargo of Slaves. For the details of that case, we beg leave to refer to the particular statement respecting it. We have only to add here, that the letter of instructions from the owner indicates an intention of taking a number of Slaves beyond the regular proportion to the tonnage of the vessel, for each of which extraordinary slaves, an additional freight was to be charged.

Lieutenant Hagan could have taken another vessel with a cargo of Slaves, if the strength of his crew had been sufficient to allow him to man two prizes

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with due regard to their security and that of the Thistle. He saw no less than nine vessels, under the Portuguese flag, all come for Slaves. He considered the Portuguese Slave-traders to have transferred themselves entirely to the Bight of Benin from their former haunts in the Bight of Biafra. Lieutenant Hagan conceived that the motives of this change were, the depth of water along the shore in the Bight of Benin and the vicinity of the Slave-trading stations to the sea, by means of which the Slave-trading vessels are enabled to get away rapidly on the approach of a ship of war, and to attain a safe distance in a short time, after they have taken advantage of a favourable opportunity to embark their slaves.

In the rivers of the Bight of Biafra, they had hoped that they would be inaccessible to attack, or capable of resisting with success the attacks of boats. But events have proved that they are accessible, and that the attacks by boats are not to be successfully resisted by them, while they are disabled from escape by flight, being so completely land-locked.

We have had occasion to notice, particularly in our reports of many of the cases brought before the British and Portuguese Courts of Mixed Commission, the undue facilities given to the illegal traffick by those in authority at Prince's Island, and the perversion of the liberty to call at that Island, and at Saint Thomas's, in voyages from Brazil, to the purposes of Slave Trade in the stations North of the Line. In the cases of the Defensora da Patria, of the Nymfa del Mar, and some others, the collusion to this illegal purpose was most foul and glaring, as the particular reports of those cases, and the parts of the evidence especially noticed in those reports, will shew in a more decisive manner.

The papers of all vessels cleared out from the ports of Brazil for the coast of Africa are perfectly regular. If the destination be avowedly for the Coast, North of the Equator, the objects of the voyage are distinctly limited to legal commerce, with an express prohibition against meddling in any way with Slave Trade. In the case of the Des de Fevreiro, these documents were coupled with private letters of the same tenor, so numerous, so uniform, and so strong, that nothing short of the positive proofs found, of her being actually engaged in obtaining a cargo of Slaves, could efface the impression of innocent and laudable commerce, made by the contents of these papers. Subsequent cases of the same description, although without the same combination of private as well as public papers, have shewn that papers of that description are used as common means of deception.

The vessels that clear out avowedly for the Slave Trade have papers of express destination to Molembo or Cabinda, South of the Line, sometimes with liberty adjoined to call at Prince's Island, or at the Island of Saint Thomas, the uniform abuse of which permission, for the purpose of inlet to the Slave-trading stations North of the Line, has already been noticed.

The general practice of keeping the slaves on shore until the whole cargo is collected in readiness for embarkation, causes many vessels so engaged to be left unmolested, and in the cases in which vessels found in such circumstances have been detained, on the ground of having had one slave, or more, actually on board, for the purposes of the traffick, the proofs have been found in some instances deficient, as in the case of the Rosalia, Spanish schooner, taken in the Rio Pongos, in January last, by His Majesty's brig Thistle; in some imperfect, as in the case of the Estrella, Spanish schooner, prize to His Majesty's ship Morgiana, Captain Knight, taken in the month of March off Trade Town; in others very difficult, as in the Joseph, Spanish schooner, prize to the detachment from the Iphigenia, placed under Lieutenant Clarkson, on board of the American schooner Augusta; the Des de Fevreiro, Portuguese brig, prize to His Majesty's ship Iphigenia, Commodore Sir Robert Mends; and the Nymfa del Mar also prize to the Iphigenia.

If we may presume to recommend to Your Lordship the amendment of any

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particular deficiency in the existing Treaties, otherwise than in our usual manner of presenting to your Lordship's notice the circumstances that furnish the suggestion, we would entreat that, if vessels having Slave-trading outfit cannot, —at least, this crying abuse of having cargoes of Slaves collected on shore should, be made equivalent to having them on board, and that vessels in such circumstances should be made liable to detention and condemnation.

With respect to the state of foreign co-operation, since the date of our last report, we have to mention merely the appearance of the French corvette La Diane off this harbour, on Sunday the 17th of May. She cruized off and on during the whole of the day, but did not come in, nor communicate with any of the small vessels or boats in the offing; and when the harbour-master approached her in his boat, for the purpose of offering his services to bring her in, she made all sail from him. No account has been received of her proceedings on the coast.

No vessel of force belonging to the United States of America has appeared on the coast.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K.G.
&c. &c. &c.

(*Inclosure in No.* 5.)

Notes on the Rio Pongos and its Slave-trading Factories.

IN compliance with your request, I commit to paper the observations that I had opportunity to make in my recent visit to the Rio Pongos. I had, for some time, been desirous to see that river, and the extraordinary persons that reside on its banks. On the 7th of May, I accompanied Mr. ———, who was going to the Factory of Mr. Lightburn, one of the principal resident Merchants of that river, on a commercial expedition. We sailed from Crawford's, in the schooner belonging to Mr. ———, on the 7th, but as there was not any breeze, we made so little way, that it was not until three P. M. of the 8th, that we arrived off the Bar of the Rio Pongos. About eight o'clock in the evening of that day, we came to an anchor, off a place called Dominge, situated on the left, a short distance within the Bar, where we went on shore.

Mr. William Laurence, the owner of this place, received us very kindly, and we had some interesting conversation with him.

In the course of this conversation, Mr. Laurence informed us that he had finally relinquished the Slave Trade, as he had for a considerable time found it unprofitable and dangerous, and was subject to endless trouble and vexation in consequence of it. The situation of Dominge is high, and apparently healthy. There are not either hills or swamps in the immediate neighbourhood. Yet the inhabitants are sometimes subject to intermittents.

On the 9th, at 5 A. M. we proceeded up the river, passing by Devil's Island, where it is divided into two principal branches. That which we followed, lies to the left in passing upwards; its position is to the northward and eastward. This branch is larger than the other, and possesses more advantages for commerce. On our left, we saw the ruins of two or three deserted factories, one of these had belonged to a gentleman of the medical profession (Dr. Botifeur,) who, as we were informed, had made a considerable fortune by the Slave Trade, and by his professional services to Slave Traders. He is said to be now living in affluence, in one of the Foreign West India Islands.

One of the others had been in the possesion of the Curtises who were obliged to retire from this part of the river by the other Chiefs, in consequence of the expedition from Sierra Leone, sent to avenge the murder of Mr. Inman, Master's Mate of His Majesty's brig Thistle, and the seamen of the boat's crew who accompanied him. This expedition raised in the other Chiefs an apprehension of being made victims to the hostility excited by that barbarous act of the Curtises, and all the members of that family were compelled to withdraw from the main branch of the river. A little beyond, on the same side, is the factory of a trader named Puck; this also appears to be in a state of decay.

After we had passed these factories, we did not see any thing remarkable until we arrived in front of Bangalan, the place of Ormond, of which I will speak more particularly hereafter, as we did not at this time stop there.

Off Bangalan we left the schooner, which could not conveniently proceed higher up, in conse-

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quence of the small depth of water: we went up the remainder of our way in a small boat. The banks on both sides are overgrown with mangrove swamps. There are many creeks branching off in every direction.

About seven miles above Bangalan, we found the factory of Mr. Lightburn. The position is to the right of Bangalan, as you go upwards; it is on the same side of the River, and passengers sometimes go from one place to the other on foot, in the dry season, when the small creeks may be passed. Lightburn's factory stands on a rising ground, at a little distance from the river. The house is enclosed in a large square, surrounded by a mud wall, with loop holes for musquetry.

We were received in a very kind and hospitable manner by Mr. Lightburn, who invited us to take up our quarters at his house during our stay in the river. He said to me "I think I have seen you before, Sir." On being undeceived in this he said "Well, Sir, I have to tell you that "you are now among Slave-traders, and now, Sir, as you know all about it, you may make your-"self easy." I thought this somewhat extraordinary; but, as I was directed to do, I made myself easy.

At dinner the table was well supplied, but here, as at the other places that we visited in the river, we saw no wine but what we brought with us. Rum and water is the substitute in the family use of these persons, unless when the Slave ships supply them with some extraordinary luxuries. We dined in a large apartment, between sixty and eighty feet in length, one extremity of which was appropriated for our chamber at night. This great room was, as I conjecture, a general lodging place in the time of the Slave Trade. I had several conversations with Mr. Lightburn on the subject of the Slave Trade: he always declared himself determined never again to engage in that trade. He assured me that his trade in gold, ivory, black-cattle, and horses, had increased very much, and he was confident of further increase, so as fully to make good any loss that he might have suffered by relinquishing the Slave Trade. He had, at this time, one very fine horse, which he valued at fifty pounds, besides others of less value. These he intended for the Sierra Leone market, more particularly the one valued at fifty pounds; but he appeared rather to wish that some person should come up to purchase him, and to take the charge of conveying him down to Sierra Leone. Mr. Lightburn expressed a desire to become a planter, either in his present residence, or somewhere in the neighbourhood of Sierra Leone. Coffee, I conceive, would be the best article for such a plantation. Cotton also would probably be productive. While I was at Mr. Lightburn's, I understood that some Slaves had been brought to him for sale, but that he refused to purchase them.

About two hundred yards above this place, the river terminates abruptly, receiving a small stream of very fine water, which runs from a chain of hills about four miles distant. The prospect from the top of these hills is very extensive. The Bar of the Rio Pongos, the Sangaree mountains and the Isles de Loss may be seen distinctly, as well as a long range of coast on both sides of the river.

The country in the neighbourhood of these hills presents large patches of sand, interspersed with irregular rocks of sand stone, which, at a distance, resemble ruined buildings. Similar appearances are found in various places on the banks of the river.

The abrupt termination of the river and the smallness of the stream that falls into it, when compared with the extent into which it is spread out farther down, and the number of creeks branching out from it, shew that in the larger part it is rather an arm of the sea than a river. The Mangrove, with which it is surrounded, is found only where there is a mixture of salt water with fresh water. On descending to Mr. Ormond's place, about seven miles lower down, the water is spread out into a very fine bason, but it is not deep. The anchorage even for vessels of a moderate size is distant from the shore, and at low water there is a great extent of mud upon the banks. Mr. Ormond's factory, called Bangalan, is very large. The situation is commanding; but, as it is surrounded with mangrove swamps, and mud banks, it is extremely unhealthy. The factory is inclosed with a very high wall, built chiefly with mud. At regular intervals there are round towers, two stories high, with two brass guns in each. There are thirty-three guns mounted in the whole circuit of the walls. There is a kind of wharf, which is also built principally with mud, and continued by mud-banks to some distance. I suppose that the walls and towers were intended as a defence against the country people, and to suppress insurrections among the Slaves, who are often very unruly when shut up in great numbers in the Slave-trading factories. When the boats of the Thistle lately visited the place for the purpose of getting possession of the Slaves belonging to the Spanish schooner Rosalia, no thought of resisting the demand occured to any body.

The person to whom these Slaves belonged, named Francisco Freire, late Master of the Rosalia, was still at Mr. Ormond's, at whose house we dined in company with him. He appeared to be in a feeble state of health, and conversed little even with his Slave-trading friends; probably he felt a little shyness in consequence of our presence. We were informed that he requires Ormond to replace the Slaves given up to Lieutenant Hagan. No opportunity had offered for him to leave the River since the capture of the Rosalia by Lieutenant Hagan. Mr. Ormond told me that he had recently refused to purchase Slaves brought to him for sale, and that he took only such as he had previously paid for: that is, the Slaves that were due to him for goods given on credit to be paid for in Slaves. He, at the same time, avowed plainly his intention to resume the trade if favourable opportunities should offer. His reason for not purchasing Slaves at present, was, that he should have the charge of maintaining them too long without a chance of getting rid of them, as the Merchants of the the Havannah would not venture to send their vessels into the River for some time, in consequence of the recent captures. He was also apprehensive of exciting unfavourable suspicions, and incurring unkind treatment from the cruizers if he should be

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found collecting Slaves in any considerable number. This man used no disguise in respect to his attachment to the Slave Trade.

It is said that Ormond has some thousands of attached Slaves, who are employed in cultivating, in trade, and in other services They are called his people; and, according to the customs of the country, they are not to be sold: but as they may be seized in payment for debts, and may be given in payment, in cases of particular urgency, of which the master is himself the judge, they are never secure from sale when a number of Slaves is wanted, at a short notice, to make up a cargo. I think the number of slaves belonging to Ormond must be overrated when thousands are at all named; but they say five or six thousand. He has certainly the most considerable number. Lightburn, also, is said to have thousands.

From Ormond's, we returned again to Lightburn's. We came back to Ormond's on the 14th; but nothing occurred worth mentioning. We sailed for Crawford's Island on the 15th of May, and arrived on the 16th.

We did not visit the branch of the river which we left on the right of Devil's Island as we went up. It is less considerable than the other for facilities of trade and navigation, but I am inclined to think, that the fresh water stream is more considerable, and that it extends farther into the country. The termination of the other branch is not sixty miles from the Bar. On this branch to the right of Devil's Island as we entered, the Church Missionary Society had formerly an establishment at a place called Bashia. The river is sometimes called Bashia River. The principal resident at present is Paul Faber, an American. Lightburn and Ormond have places of trade on this branch also, which has communication with the other by some of those creeks and channels which are so frequent.

The Curtises retain the settlement of their family on this branch; but their principal possessions are at a place called Kissing River, which has a separate opening to the sea to the northward of the Rio Pongos Bar; it communicates with the main branch of the river between Dominge, William Laurence's place, and Devil's Island. Two traders, named Irving and Sterne, have factories in the Kissing branch.

The Slave-trading vessels generally came to anchor in the bason in front of Ormond's factory at Bangalan. There they discharged their Cargoes, and took on board their Slaves, which were generally brought thither by the traders to be delivered to them.

No. 6.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning,—(Received May 16th, 1823.)

SIR, *Sierra Leone, December 7, 1822.*

EARL BATHURST's letter of the 14th of August 1822, conveying the intelligence of the lamented death of the Marquess of Londonderry, came to our hands by the same conveyance by which we had the honour to receive his Lordship's second letter, dated the 16th of September, announcing, that the King had been graciously pleased to appoint the Right Honourable George Canning to be His Majesty's Principal Secretary of State for Foreign Affairs. We had the honour to receive, by the same opportunity, your letter, communicating the same appointment, with your desire that we should address to you our despatches on public business, to which desire we shall have the honour to conform.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Right Hon. George Canning,
&c. &c. &c.

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No. 7.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received May 16th.)

SIR, *Sierra Leone, January* 1, 1823.

IN obedience to the directions received by us under date of the 10th of March 1822, from the late Marquess of Londonderry, that we should transmit at the beginning of each year, for the purpose of more convenient reference, a general abstract of our proceedings during the year just elapsed; we have the honour to inclose herewith abstracts* of the proceedings of the past year under the Mixed Commissions established in this Colony.

The number of cases adjudicated under the British and Spanish Commission in the year 1822 was six; they were all deemed to be cases of condemnation, and the number of slaves emancipated was five hundred.

The number of cases adjudicated under the British and Portuguese Commission was eleven; they were also deemed to be cases of condemnation, and the number of slaves emancipated was one thousand three hundred and fifty six.

There was only one case of adjudication and condemnation under the British and Netherlands Commission; one hundred and seventy-eight Slaves were emancipated under that adjudication.

We beg leave likewise to inclose, for your further information, a general list of cases adjudicated under the Mixed Commission to this date. You will perceive, Sir, that the number of cases adjudicated during the past year is eighteen; the number of slaves emancipated, two thousand and thirty-four: that the total number of cases adjudicated since the establishment of the Mixed Commissions is forty; and that the total number of Slaves emancipated is three thousand seven hundred and sixteen.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Right Hon. George Canning,
&c. &c. &c.

* The proceedings, of which abstracts were sent in this Letter, relate to the cases of the Spanish vessels—*Rosalia, Dichosa-Estrella, Joseph, Vecua, Icanam,* and *Josefa*:—to the Portuguese vessels—*Conde de Villa Flor, Des de Fevreiro, Esperança, Esperança Felix, Defensora da Patria, Estrella, San Jose Xalaça, Nymfa do Mar, Commerciante, San Antonio de Lisboa,* and *Juliana*; and the Netherland vessel *Aurora*:—all of which will be found at length in other letters from the Commissioners.

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Inclosure in No. 7.

List of Cases adjudged in the Courts of Mixed Commission at Sierra Leone, between the 1st of January 1822, and the 1st of January 1823.

No. of Cases adjudged between June, 1819, & 1st Jan. 1822.	No. of Cases adjudged between 1st Jan. 1822, & 1st Jan. 1823.	Nation.		Name of Vessel.	Class.	Condemned.	Liberated.	No. of Negroes emancipated	
		Spanish							
22	1	..	1	Romlin.....	Schooner	Condemned under a special decree	..	89	Total number of Slaves emancipated between June, 1819, and Jan. 1st, 1822..... 4,991
24	2	..	2	Dichosa Estrella ...	..	Condemned	..	29	
25	3	..	3	Joseph.....	..	Condemned	..	..	
26	4	..	4	Vreun	..	Condemned	..	277	
27	5	..	5	Ionnam	..	Condemned	..	12	
28	6	..	6	Josefa	..	Condemned	..	188	500
		Portuguese							
29	7	..	1	Conde de Villa Flor	Brigantine	Condemned	..	171	
30	8	..	2	Des. de Ferreiro...	Brig	Condemned	..	10	
31	9	..	3	Esperanza.....	..	Condemned	..	146	
32	10	..	4	Diplomaga Felix...	Polacca	Condemned	..	88	
33	11	..	5	Defensora da Patria	Sloop	Condemned	..	80	
34	12	..	6	Estrella	Brig	Condemned	..	292	
36	13	..	7	San Jose Xalaga..	Schooner Boat	Condemned	..	17	
36	14	..	8	Nymfa do Mar	Schooner	Condemned	..	2	
37	15	..	9	Commerciante....	Brig	Condemned	..	167	
38	16	..	10	San Antonio de Lisboa	Brigantine	Condemned	..	291	
39	17	..	11	Juliana	..	Condemned	..	94	1,356
		Netherlands							
40	18	..	1	L'Aurore.....	Schooner	Condemned	..	178	178
									Total number of Slaves emancipated between Jan. 1st, 1822, and Jan. 1st, 1823..... 2,034
									Total number of Slaves emancipated between June 1819, and Jan. 1st, 1823..... 5,716

SIERRA LEONE.---*(Spain.)*

No. 8.

Messrs. Gregory and Fitzgerald, to the Marquess of Londonderry.—(Received June 21st.)

My Lord, *Sierra Leone, March* 15, 1822.

IMMEDIATELY on the receipt of your Lordship's despatch of the 30th of October 1821, (received 29th of January 1822,) we proceeded to the fulfilment of that part of your Lordship's instructions intimating that the Mixed Courts should be considered as open to all persons, whilst the Commissioners should be engaged in the exercise of their judicial functions.

The absence of the Commissioners of His Catholick Majesty having left us at liberty to act at once in the British and Spanish Mixed Court, a minute of court was expedited on the 30th of January, so as to allow the opinions then prepared for delivery, in the judgment of the case of the Rosalia, detained by His Majesty's brig Thistle, Lieutenant Hagan, to be delivered in open court on the ensuing day; and these opinions were read in judgment in open court accordingly on the 31st of January.

A copy of the minute was affixed on one of the pillars in front of the Court House on the 30th of January.

A communication announcing the fact of the opening, together with the appointments of certain officers, whose attendance and services would be required to give effect to the measure, was subsequently made to his Excellency Governor Sir Charles MacCarthy, in a letter, a copy of which accompanies this, together with a copy of his Excellency's answer.

In respect to the further part of your Lordship's instruction, founded upon the opinion of His Majesty's law advisers, it is our intention to act in conformity with the intimation therein conveyed, by abstaining from personal attendance at the examinations of witnesses.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(First Inclosure in No. 8.)

Sir, *Sierra Leone, February* 1, 1822.

WE have the honour to inform your Excellency, that in pursuance of instructions received from His Majesty's Government, having for their object to cause the Courts of Mixed Commission established in this Colony for the prevention of illegal Traffick in Slaves, to be open to all persons when the Commissioners are engaged in the exercise of their judicial functions, the order, of which a copy is inclosed, was passed in the British and Spanish Court, on Wednesday the 30th of January 1822.

Some new arrangements and additional appointments of officers being necessary to the transaction of the business of the Court in an open state, we have the honour to communicate to your Excellency, the following nominations, and we beg leave to request that your Excellency will be pleased to give such orders as may be necessary to secure to the persons named, the general assist-

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ance of His Majesty's subjects in the performance of the duties with which they shall be respectively charged, in virtue of their several offices.

MR. CHARLES BONETT, Marshal.
MR. RICHARD GROVE, Deputy-Marshal.
WILLIAM FORBES, Tipstaff.
ABRAHAM HAZELY, Court-keeper.

We have the honour to be, &c.

Sir Charles MacCarthy, &c &c. &c.

(Signed) EDWARD GREGORY.
EDWARD FITZGERALD.

(Second Inclosure in No. 8.)

Order of the Court.—Sierra Leone, January 30, 1822.

British and Spanish Court of Mixed Commission, Sierra Leone.

Before Edward Gregory, Esquire, His Britannick Majesty's Commissary Judge, and Edward Fitzgerald, Esquire, His Britannick Majesty's Commissioner of Arbitration, acting in the absence of His Catholick Majesty's Commissioners.

Present Mr. F. Sawyer, clerk to the Mixed Commission, in the absence, through indisposition, of James Woods, Esquire, Acting Registrar.

Wednesday, January 30, 1822.

ORDERED.—That this Court shall henceforth be considered as open to all persons, when the Commissioners are engaged in the exercise of their judicial functions.

By the Court, (Signed) F. SAWYER,
in the absence of J. Woods, Acting Registrar.

(Third Inclosure in No. 8.)

Governor MacCarthy, to the British Commissioners.

SIRS, *Government House, Sierra Leone, February 3d, 1822.*

I HAVE the honour to acknowledge the receipt of your letter of the 1st instant, informing me that in pursuance of instructions received from His Majesty's Government, having for their object to cause the Court of Mixed Commission, established in this Colony, to be open to all persons when the Commissioners are engaged in the exercise of their judicial functions, you had issued an order to that effect, a copy of which was inclosed.

I have also to acknowledge your communication relating to the additional appointments of officers, whom you deem necessary to the transaction of the business of the Court, and requesting of me to give such orders as might be necessary to secure to those persons the general assistance of His Majesty's subjects, in the performance of the duties of their offices.

I have the honour to state, in answer to the latter part of your communication, that I have given the necessary directions to have the appointments of the several officers named in your letter noticed in the Gazette, and that I will issue any further directions which may be required to secure to those persons every assistance in the performance of their duties.

I have the honour to be, &c.

Edward Gregory, and Edward Fitzgerald, Esqrs. (Signed) C. MACCARTHY.

No. 9.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received June 21.)

MY LORD, *Sierra Leone, March 16, 1822.*

THE name of one Massa, stated to be an inhabitant of the Isles de Loss, a dependency of this Colony, having been disclosed to the British and Spanish Mixed Court, as the purchaser and seller of one of the Slaves interrogated in the course of the examinations taken in the case of the Spanish schooner Rosalia, seized in the Rio Pongos by His Majesty's brig Thistle, Lieutenant

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Hagan, commanding, we thought it our duty to communicate the fact so disclosed to his Excellency Sir Charles Mac Carthy, in order that proper proceedings may be taken to bring the said Massa to justice.

We have the honour to inclose, for your Lordship's information, copies of the correspondence which took place on this occasion.

According to subsequent intelligence the person named Massa had some time before gone to reside on the continent of Africa, opposite to the Isles de Loss.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(First Inclosure in No. 9.)

The British Commissioners to Governor MacCarthy.

SIR, *Sierra Leone, January 25, 1822.*

HIS Majesty's Commissioners under the Treaties for preventing illicit Traffick in Slaves, beg leave to call your Excellency's attention to a disclosure made yesterday, in the course of the investigation respecting the schooner Rosalia, detained and prosecuted by Lieutenant Hagan, for a breach of the Treaty between Great Britain and Spain. It appears by the deposition of a Negro named Tom, now on board the schooner, that a person named Massa, now and for several years resident at the Isles de Loss, where he formerly acted as tradesman to the late Mr. Lee, purchased that Negro from a Slave trader, named George Anderson, resident at York Island, in the Sherbro', and subsequently sold him to a Slave dealer in the Rio Pongos, named Paul Lefevre, who sold him to the Master of the Rosalia; both the last mentioned sales took place very recently. We have the honour to inclose a copy of the deposition of the Negro, who has given this information, in order that your Excellency may direct that proper proceedings should be taken.

We have the honour to be, &c.

Brigr. Genl. Sir Charles MacCarthy, (Signed) E. GREGORY.
&c. &c. &c. EDWARD FITZGERALD.

(Second Inclosure in No. 9.)

Deposition of a Negro named Tom, of the Schooner Rosalia.

British and Spanish Court of Mixed Commission, Sierra Leone.

Before E. Gregory, Esquire, His Britannick Majesty's Commissary Judge, and E. Fitzgerald, Esquire, His Britannick Majesty's Commissioner of Arbitration, His Catholick Majesty's Commissioners being absent from the Colony.

Present Mr. F. Sawyer, Clerk to the Mixed Commission, (James Woods, Esquire, Acting Registrar, being prevented from attending through sickness.)

SCHOONER ROSALIA.

Thursday, January 24, 1822.

EXAMINATION of Tom, a native of the Foy Country, near Cape Mount, a Negro belonging to the said schooner, through the interpretation of Philip Gordon, being duly sworn.

Saith, that he is the son of a King, named King Willy, he was taken prisoner in war and was brought to York Island, and sold to George Anderson, who formerly belonged to Bance Island factory, Anderson afterwards sold him to Massa, who was formerly head trade man to Mr. Leigh, of the Isles de Loss. He said he lived with Anderson, from the rising of the Plantain until it was cut down, being about four months, and about eleven months with Massa at the Isles de Loss. He says that Massa took and sold him to Charley Puck, of the Rio Pongos, it is about three months since, says, that Puck sold him afterwards to the Captain of the schooner of which he came in here. Says, that the Master put him on board the schooner; he was put on board in John Ormond's canoe; when he was going on board the irons belonging to the factory were taken off, and on board he was tied with a rope; the canoe which took him on board was rowed by Ormond's Grumettas; the Captain and Charley Puck were in the canoe at the same time. He does not know the Captain's name, but would know him personally. The Captain remained behind in the

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Rio Pongos. He, the witness, remained on board from that time, until the schooner was brought down here. When the alarm was given of the man of war's appearance, two canoes were hurried off with Slaves and those on board now were left behind. Massa who sold the Deponent resides now on the Isles de Loss with his family. He does not know what Mr. Puck paid to Massa for him, for immediately after being sold he was put in irons and placed in the factory. He does not know what the Master of the schooner paid for him in particular, but he saw Mr. Puck's canoe come twice from the schooner with goods to pay for Slaves, the goods were rum, tobacco, cloth, powder, guns, and cutlasses. Says, the schooner was lying in the Rio Pongos, about a mile and a half below Ormond's place, at the time of capture.

(Signed) PHILIP GORDON his × mark (Signed) TOM his × mark

(Third Inclosure in No. 9.)

Governor MacCarthy to the British Commissioners.

SIRS, *Government-House, Sierra Leone, January* 1822.

I HAD the honour of receiving your letter of yesterday's date, and its inclosure, and in returning you my thanks for the information it conveys, I beg leave to inform you that I have this day sent instructions to the Officer commanding at the Isles de Loss, to secure the person of Massa, and to send him down for his trial. I have further requested of him to ascertain, if possible, the name of the persons who accompanied Massa to the Rio Pongos, at the time the transactions alluded to took place, and to send them to Sierra Leone.

I have the honour to be, &c.

Edward Gregory and Edward Fitzgerald, Esquires. (Signed) C. MAC CARTHY.

No. 10.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received June 21.)

MY LORD, *Sierra Leone, March* 17, 1822.

THE Spanish schooner *Rosalia*, detained on the 11th January 1822, in the Rio Pongos, by His Majesty's brig Thistle. Lieutenant Hagan, commanding, and brought to Sierra Leone for adjudication, was, on the 31st January, condemned under special judgment, by the British Commissioners, acting on behalf of the King of Spain, as well as on behalf of His Majesty.

We have the honour to forward to your Lordship copies of the written opinions delivered by us severally in open Court, in pronouncing judgment upon the case of the Rosalia. These copies comprehend all the material facts and circumstances of the case. Although these opinions were by no means designed to invite further seizures by similar means under the like circumstances, we have reason to think that a disposition of that kind is likely to arise, or rather to be confirmed in consequence.

The deficiencies found in the provisions of the Treaties, as applicable, even in the present extended construction resulting from the case of the St. Salvador, only to cases of the "actual embarkation of a Slave or Slaves for pur-"poses of the traffic during the current voyage," excite inclinations to amend those deficiencies by means of experimental seizures. The vessels so seized may, it is supposed, be sent to take their chance of condemnation in the Mixed Courts, with a full confidence that whatever may be the decision there, the feelings of the British nation will be in favour of the captors, and hostile to the traders in Slaves.

These experimental seizures can rarely be attended with satisfactory decisions.

The British Commissioners are not to be supposed to be animated by any other feelings, in this respect, than those of the British nation; but they are

nd by the Treaties, under the obligation of a special oath, to "judge "faithfully, impartially, fairly, and without preference or favour, either for "claimants or captors, or any other persons," and your Lordship's instructions, "to be careful not to lose sight of our judicial character, but uniformly "to endeavour to combine a fair and conscientious zeal for the prevention of "the illegal Traffick in Slaves, with the maintenance of the strictest justice "towards the parties concerned, and with the promotion of a spirit of con-"ciliation and harmony between His Majesty's subjects and those of His "Most Faithful Majesty."

By the departure of both the Commissioners of His Catholick Majesty, the British Commissioners are charged with the sole jurisdiction in the British and Spanish Courts, and in each of the other two Mixed Courts they have a majority of two voices to one.

With whatever natural participation of British views, the British Commissioners cannot, in a fair sense of their duty, leave out of view the foreign rights with which they are equally charged.

The distinction, in the general sense of their duty under the Treaties, between the Foreign and the British Commissioners was this:—The British Commissioners, according to the established principles of their country, regarding the Slave Trade as contrary to justice and humanity, were desirous to emancipate slaves and to condemn the property of Slave dealers wherever the Treaties could be properly construed to enjoin or to permit them to do so; on the other hand, the foreign Commissioners having been accustomed to regard the Slave Trade as a legitimate branch of commerce, highly beneficial to the colonies of their respective countries, while they were prepared to fulfil the obligations of the Treaties in all cases clearly brought under the provisions by which condemnation is enjoined, considered the respective Articles, in all other cases, as so many securities for the protection of the property of their countrymen concerned. They were consequently, with certain distinctions and degrees as to persons and cases, extremely averse from admitting forfeiture to be incurred under circumstances in which any of these restrictions appeared to afford a security against it.

The introduction of a practice of making experimental captures will necessarily involve the Mixed Courts in the inconvenience of pressing instances for condemnation in disregard of the restrictions, which condemnation the foreign powers would conceive to be dictated by a partial consideration of the English objects of the Treaties alone.

We intreat your Lordship's attention to these observations, in the hope that a concurrent understanding and practice may be maintained by the Commanders of His Majesty's cruizers, and the Judges of the Courts of Mixed Commissions, either by obtaining for those courts a corresponding extension of powers, or by holding the Commanders to the limitations and restrictions of the Treaties as they now stand.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

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(First Inclosure in No. 10.)

Mr. Gregory's Opinion pronounced in Judgment, on Thursday the 31st of January 1822, on the Case of the Spanish Schooner Rosalia, *detained by Lieutenant Hagan, commanding His Majesty's Brig Thistle, on the 11th of January 1822, on a charge of Slave Trading in the Rio Pongos.*

THIS case presents two points for the consideration of the Commissioners.

The first is respecting the nationality of the vessel.

The second point is in regard to the Negroes stated to have been purchased for the Rosalia, and as to whether the circumstances under which the Rosalia was seized by Lieutenant Hagan, are within the meaning of the Treaty between Great Britain and Spain, for the suppression of the Slave Trade.

On the first point, the witnesses Robert Days, Juan Lopez, and Joaquim Jozé, part of the schooner's original crew, depose that the Rosalia was owned by Don Jozé Soler, a resident of the Havannah, and a Spanish subject; that he was the person who hired them, with the other people belonging to the schooner. They say, that the vessel sailed from the Havannah under Portuguese colours; and, they believe, with Portuguese papers. Three Portuguese flags and a Spanish Ensign were on board. To the 12th interrogatory, Days states, that he does not know whether any bill of sale was made to the owner, but that Don Jozé Soler gave two thousand dollars for the schooner, which was sold at publick auction, and that the two thousand dollars were paid.

No papers were found on board of the schooner by the Captor, nor was any document delivered up to him by the Master of her, when required by Lieutenant Hagan. The Court, then, must decide on the nationality of the Rosalia, by a presumption of what her character was when she left the Havannah.

There are, I think, sufficient grounds to presume that her character was Spanish. A sale by publick auction at the Havannah; a purchase by a Spanish subject, must have effaced her previous Portuguese character; her condition being changed, she could not have legally sailed with her former Portuguese papers, and new ones she could not acquire at the Havannah.

Besides the owner of the schooner, her Master, and first and second mates were Spaniards; they are stated to have been hired by Soler subsequently to his purchase of the schooner, therefore they must have embarked under the sole sanction of the Spanish Authorities.

Under these circumstances, I presume that the character of the Rosalia is Spanish, and I, accordingly, consider her as such.

On the second point, I am of opinion that the Negroes now on board should be considered as having been purchased by Francisco Frere, who, after the death of the original Master, assumed the command of the Rosalia, and took upon himself the direction of her concerns.

It does not appear that the Negroes were actually delivered into Frere's hands, but it is beyond doubt that they were considered by the Slave traders as purchased by Frere, who, for objects of convenience and of safety, chose that the Negroes should remain in the custody of their former Masters until such time as they could be safely embarked on board his vessel. All the Negroes who have been particularly examined, though they belonged to different Slave dealers, depose that they were sold to the Captain, or white man of the schooner; they all state that in exchange for themselves, their several Masters received goods from John Ormond; that their goods came from the schooner.

The statements of these Negroes are supported by the depositions of Mahommadoo, the interpreter, who explains that it is usual for vessels coming to the Rio Pongos, to deliver the whole of their cargoes to Ormond, the principal headman of that river, who shares it among the minor chiefs, according to the proportions in which they can supply Slaves. Ormond guarantees the payment of the Slaves. The Slaves now on board of the Rosalia were delivered over to John Ormond, when about to be embarked.

The purchase of the Slaves by Frere being proved, it remains to be ascertained, first, whether they were ever put on board of the Rosalia by the purchaser previous to the general embarkation of the Negroes that took place on the 11th of January; and, secondly, whether the embarkation that took place on that day is to be considered as being within the meaning of the Treaty.

Five Negroes, of seven who have been examined, clearly and positively state that they were never on board of the schooner before they were placed in her by the captor. Two Negroes, Tom and Quana, on their first examination, deposed as if they had been put on board previously to the general embarkation on the 11th of January, but their deposition is opposed to the fact declared by the Captor, that he did not find any Negro in the vessel when he first boarded her, and is inconsistent with their subsequent deposition.

Quama, on his re-examination, states that he never was on board of the schooner before he was sent with the other Negroes at the time that the brig of war came into the river; he says that no white man was with him in the canoe when he was conveyed on board; that Paul Lefevre, who sold him, was at his town, whereas, he before stated that Paul Lefevre and some white men belonging to the schooner were with him when he was taken on board.

The inconsistencies of Tom, the other Negro, are still greater; on his re-examination he says, that he was put on board of the schooner with many others; that the schooner went towards the

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bar of the river; the alarm being given of the approach of the brig of war, part of the women and the children were put into a canoe towards the evening, and were sent on shore; that those Negroes who remained on board were to have been conveyed out of the vessel the next morning, but that, in the mean time, the man of war came and seized the vessel and the Negroes who are now on board. This is not the fact as stated by the Captor.

On being further examined, Tom says, that he was put into a canoe, with others, to be carried on board the schooner; that when they came alongside of the vessel, and on the approach of the man of war, the canoe was rowed to the shore; he was landed with the others and was concealed; he says that he was afterwards put into John Ormond's canoe, with the other black men, and sent on board of the schooner; that Charley Puck, who sold him, was at his town, and the Captain of the schooner at Ormond's town; that no white man was with him in the canoe, when he was sent on board, when he, on his former examination, stated that both Puck and the Captain were with him, and that he remained on board from that time to the present. The desire of liberty, which is implanted in every human breast, may have given rise to tales which promised freedom to their fabricators.

It not being proved that any Slaves were shipped on board of the Rosalia, previously to the 11th of January, we come now to inquire whether the embarkation of the Negroes that took place at that time is within the meaning of the Treaty; whether it forms a sufficient ground for the condemnation of the vessel.

According to the tenth article of the Treaty, "no British or Spanish cruizer shall detain any "Slave ship not having Slaves actually on board; and in order to render lawful the detention of "any ship, whether British or Spanish, the Slaves found on board such vessel must have been "brought there for the express purpose of the traffic."

Lieutenant Hagan, in his first declaration, dated the 17th of January, states, that he seized the schooner on the 11th of January, and that at the period of the seizure there were on board *sixty Slaves.*

In a subsequent declaration of the 24th January, Lieutenant Hagan states, that he first boarded the schooner on the 7th of January, but quitted her on the same day, and proceeded up the river; that on the 9th of January he placed part of his boat's crew on board of the schooner, to avoid exposure to the night air; that from the 9th to the 11th he was engaged in arranging palavers with the Native Chiefs; that he made an application through the Native Chiefs to the Master of the Rosalia, requiring him to deliver up and send on board of the schooner, the Slaves purchased by him for her; that the Master did send on board sixty Slaves, who were all embarked in the schooner previously to his (Lieutenant Hagan's), going on board and seizing her.

It is said that no seizure was made of the schooner until the 11th; there existed no ground for detention prior to that time, although it was notorious that those who were concerned in the schooner were engaged in the Slave Trade. Betwixt the 9th and the 11th, when some of the Thistle's men were on board, no seizure was avowed. The vessel remained protected by the terms of the Treaty.

But if no seizure was avowed betwixt the 9th and the 11th, is it to be inferred that the schooner was absolutely in the possession of the original crew? I think not; but that she was, in some degree, under the controul of Lieutenant Hagan. Juan Lopez, in answer to the fifth interrogatory, says, "the Captain of the brig caused the schooner to be got ready for sea; when the "schooner was ready, the Captain brought the Negroes on board."

This statement, which has not been directly contradicted, establishes the idea that the vessel was not in the entire possession of the original crew; it certainly leads to the inference that a superior power than they, controlled the management of the schooner.—Under these circumstances the crew could not be answereble for facts done by a power foreign to the vessel; less could the vessel suffer for the acts of such a power.

In this state, whilst a part of the crew of the capturing ship was on board of the Rosalia, and whilst her own crew were not entirely at liberty, a number of Negroes were sent to the schooner and were received on board of her.

The declaration already mentioned of Lieutenant Hagan, of the 24th of January, shews how these Negroes came on board; it shews that they were sent to the schooner by her Master on an application made to him through the Native Chiefs by Lieutenant Hagan.

Does the embarkation of these Negroes come within the meaning of the tenth Article of the Treaty? The object for which they were embarked will best resolve the question.

It is evident that the object of the embarkation of the Negroes was, not that of disposing of them by traffick, but, that of liberating them from their chains. Humanity may rejoice when it contemplates the restoration of these Africans to their homes, but justice must require that the intention of the Treaty should be complied with by all who act under its authority.

These Negroes were embarked "in pusuance of a demand or requisition conveyed to the Master" from the captor.

Lieutenant Hagan stood in the situation of a guardian of the Treaty, the Master in that of one about to violate its enactments. Compliance on the part of the Master to deliver up the Negroes to him, who was appointed to check his nefarious trade, does not warrant the conclusion, that those unfortunate beings were placed in the power of the seizor for the purpose of traffick; on the contrary, such compliance authorises the conclusion, that the Master was compelled to deliver them out of his possession in order to their being placed in a state of freedom.

Lieutenant Hagan says, that he did not assist personally in the embarkation of the Slaves, but he was present at John Ormond's Town when the Slaves were embarked;—he further says, that

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they were all about to be embarked in a canoe given for that purpose by Ormond; it was mentioned to him that they could not all be conveyed in the canoe on board of the schooner, without considerable risk, and he offered one of the Thistle's boats, in which some of the Negroes were sent on board of the schooner. They were embarked in the boat belonging to the Thistle after the canoe was already sufficiently loaded. This evidence I consider decisive to authorize me to say that the Negroes were not brought on board for the express purpose of the traffick.

The Thistle's boat under the eye of the commander of the Thistle, could never be employed, as it was not employed in fact, in the errand that is within the meaning of the Treaty.

The fact of Slave-dealing being pursued on shore, does not by the Treaty implicate a vessel in the guilt of her crew. It is required in order to her implication, that she should have received on board, for the purposes of traffick, those who are the victims of injustice and of avarice; it is necessary that the Slaves purchased to be shipped in the vessel should have been placed on board of her; condemnation follows such an act when detected, but it does not take place without the act has been committed.

The case of the Portuguese schooner, San Salvador, gave rise to the construction which the British Government put upon the tenth Article of the Treaty between Great Britain and Spain. The construction was that "if there should be clear and undeniable proof that a Slave or Slaves "had been, for the purpose of illegal traffick, put on board a vessel in the particular voyage on "which the vessel should be captured, then and on that account, according to the true intent and "meaning of the stipulations of the Treaty, such vessel should be detained by the cruizers and "finally condemned by the Commissioners.

The cases of "La Caridad," and "La Neuva Virgen" came, and were condemned, under this construction of the tenth Article of the Treaty In those cases, Slaves had been placed on board of the vessels by their crews, but had been removed by the crews from the vessels to the shore on the approach of the capturing ship, whose commander subsequently succeeded in rescuing the Negroes from the clutches of the Slave traders.

I think that the situation of the Rosalia is the same as that in which she was first found by Lieutenant Hagan, where the Slave trading pursuits of the Master on shore were known, yet the vessel, by the tenor of the Treaty, could not be detained. I do not think that the case of the Rosalia comes within the meaning of the Treaty, and were there here present a representative of the vessel to claim her, though it would be painful that she should return into the possession of her Master, I should deem it my duty to order her restitution. As, however, there is no one here to claim her nor to take charge of her; as she would perish through abandonment and be lost to all parties, I think it right, with the view that the property in the vessel should be realized, to deliver my opinion that she, the Rosalia, be condemned as prize to the Crowns of Great Britain and Spain. The emancipation of the Slaves follows the condemnation of the vessel.

Sierra Leone, January 31, 1822. (Signed) E. GREGORY.

(*Second Inclosure in No.* 10.)

Opinion of Mr. Fitzgerald, His Britannick Majesty' Commissioner of Arbitration, delivered in the British and Spanish Court of Mixed Commission, on Thursday, January 31, 1822, *in pronouncing Judgment on the Case of the Spanish Schooner* Rosalia, *taken by His Britannick Majesty's Brig Thistle, Lieutenant Hagan, Commander, in the Rio Pongas, on the* 11*th January* 1822, *and brought to Sierra Leone for Adjudication by the Spanish Court of Mixed Commission, on a charge of being engaged in the illegal Traffick of Slaves.*

THIS vessel is acknowledged and proved by the seamen of her crew, examined on the standing interrogatories, to be the property of Don José Soler, a subject of the King of Spain, resident at the Havannah, she is, therefore, properly brought under the jurisdiction of the British and Spanish Mixed Court, notwithstanding that it is asserted by the same seamen, that she was navigated under the Portuguese flag, manned principally with Portuguese seamen, and furnished with Portuguese papers. If these assertions were true, which is very doubtful, this would only go to establish a mixture of national characteristicks contrived to defraud the Treaties, but furnishing the means of defeating itself, by rendering the case cognizable under the Treaties with Portugal, as well as under the Treaty with Spain.

Those seamen deny that any intention of trading for Slaves was contemplated in their engagements with the Owner of the vessel. The declared purpose of the voyage was to purchase gold and ivory at Bissao; the entry into the Rio Pongas is alleged to have been incidental to the conveyance of a family of liberated Negroes from the Havannah to that river, of the banks of which they were natives. The object of the landing of the cargo, and the traffick carried on by the mate, now acting as Master, are said to be wholly without the knowledge of these seamen. They profess themselves to be utterly ignorant of the nature of that traffick.

It is barely possible that these allegations should be true; and if true, they may avail to the personal immunity of the seamen; but, with reference to the ship, the acts of the Master, as the

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agent of the Owner, must be binding, and the ship must abide the consequences of those acts as far as they extend.

In considering the question, whether this schooner be liable to condemnation under the Treaty between Great Britain and Spain, much difficulty arises from the peculiar circumstances of the case. It is sufficiently proved, by the situation in which the vessel was found near the Slave factories in the Rio Pongas, by the landing of the outward cargo, and by the actual purchase of a number of Slaves under the direction of the Mate, who assumed the command on the death of the Master, that the object of the homeward voyage at least was to take away a cargo of Slaves. But no Slave appears to have been put on board by the Master, nor by the Mate, now acting as Master, nor by any person acting on his behalf, nor on behalf of the ship, so as to constitute an embarkation for the purposes of the traffick, as required by the Treaty, to warrant seizure and detention: not one Slave was put on board until a general embarkation of the whole of the Negroes recently on board was made at once, in consequence of a demand, or requisition, from the Commander of the capturing vessel. This is the concurring effect of the testimony of the Captor and of the seamen of the schooner, and of that of the Negroes brought forward in the first instance, as well as of those introduced by the Captor, in consequence of the order of Court requiring further proof, first of an embarkation for the traffick, and next of an actual purchase and possession by the Master, or by the Mate, or by any person acting on behalf of the ship. Proof of the embarkation for the traffick would, of course, have precluded the necessity of proof of the purchase, which was required merely for the purpose of ascertaining how far the actual evidence would go, if it could not be carried to the very points specified in the Treaty.

It appears further, that, on the part of the Captor, the embarkation in the manner in which it was carried into effect was purposely contrived and managed, in order to establish ground for a seizure. This seizure was not actually, or at least not avowedly, made until after the embarkation, although the schooner was effectively in the power of the Captor for two days before. He visited her on the 7th of January, but left her immediately again; but, on the 9th, he returned and placed some of his people on board for the convenience of cooking and for preservation of their health, by relieving them from a part of the exposure which they must otherwise have to undergo. These are probably, with perfect correctness, given as the causes and motives of placing some of the capturing seamen on board of the Rosalia on the 9th of January. But what was the effect,—the remainder of the boat's crew were at hand, the schooner could not possibly have escaped, and the Captor might have taken her at any moment he thought proper to declare her seized. She was in fact already seized in every respect but in name. The Thistle's Quarter Master, Jeremiah Cox, brought forward in further proof, says, "the party might have seized her, "but Lieutenant Hagan told us not to touch a rope yarn belonging to her,"—and afterwards he says, "I had strict orders from Lieutenant Hagan to confine myself to my own duty until he "should return; when Lieutenant Hagan came on board the schooner he gave me orders to go "forward and to take care that not any of the crew or Slaves left the vessel, for he had then "taken possession of her as a prize."

Two of the Negroes brought forward in further proof, named Tom and Quana, gave reason in their first examinations to believe that they had been put on board the schooner, before the general embarkation on the 11th January, by the Master of that vessel, or his agents and the Slave-dealers of the river, but upon more particular investigation, by means of further interrogatories, it was found that Quana had not been on board the schooner before the general embarkation on the 11th, and Tom, who was proved to have been embarked at the same time with Quana, gave such various and inconsistent accounts as to raise strong doubts of his veracity as well as of the accuracy of the interpreter in his first examination.

The Captor himself in his supplementary evidence says, that the general embarkation, immediately previous to the seizure, was the only one of which he was aware.

The facts and circumstances actually proved as here enumerated, present a case altogether distinct from any before adjudged by the Courts of Mixed Commission.

In the case of the Portuguese schooner San Salvador, one Slave was proved to have been actually on board for the purposes of the traffick, and to have been put out of the captured vessel into a boat on the approach of the Captors. The sufficiency of this proof to constitute a breach of the Treaties with Portugal, liable to condemnation, as declared by His Majesty's Commissioners in their official report of that case to His Majesty's Government, has since received the sanction of the other Governments concerned in the Treaties.

That approved construction is thus declared in the circular addressed to the foreign Courts, "that if there shall be clear and undeniable proof that if a Slave or Slaves have been for the "purpose of illegal traffick put on board the vessel in the particular voyage on which the vessel "shall be captured, then, and on that account, according to the true intent and meaning of the "stipulations of the Treaty, such vessel is to be detained by the cruizers, and condemned by "the Commissioners."

But in the present case there is not any sufficient proof that any one Slave has been on board for the purposes of the traffick, until the general embarkation of the whole at the instance of the Captor, who in the manner explained by himself, caused some of the Slaves to be conveyed on board in his own boat, the canoe which was provided for the conveyance of them, by the Slave dealer Ormond, being already overloaded.

The condemnation of the Spanish schooner Caridad and Nueva Virgen was decreed by the British and Spanish Mixed Court in a great degree, if not altogether, in conformity with the approved construction in the case of the San Salvador. The Slaves taken on board these vessels, although embarked in consequence of a requisition of the captor, had been all previously on board,

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and had been re-landed, and the captor had not taken possession in any way, nor had he put any men on board of the schooner until the Slaves were actually re-embarked in consequence of the requisition. In that case, if the vessels had been brought away without the Slaves, they would have been equally liable to condemnation on proof of the previous embarkation and landing of the Slaves. The re-embarkation of the Slaves was distinct from any act of prior occupation, and, although made in pursuance of a requisition from the captor, it was in consequence of the previous embarkation. Thus the actual seizure had the foundation of the prior embarkation, as well as of the actual presence of the Negroes on board, before any entry was made. The captors had not taken any part in the shipment of the Negroes; they had not meddled either with them or with the vessels until they actually seized.

In the present case, there is sufficient proof of an intention to carry off Slaves, and of the purchase of the Slaves now on board, for the purpose of embarking them and carrying them off; but there is not any proof of the embarkation of any one Slave, otherwise than in the general embarkation at the instance of the captor. On the contrary, the supposition of any such prior embarkation may be considered as distinctly disproved. The embarkation made at the instance of the captor, and with the assistance and participation of his boat, cannot be considered as the act of the Master, who cannot be regarded as a free and voluntary agent in it; it must rather be holden to be the act of the captor who issued his requisition, and personally took care to see it carried into execution.

How then does the case stand with respect to the vessel now under adjudication? The illegal proceeding upon which the ship should be forfeited if it had been committed by the Master is only commenced and pursued to a certain stage by him; at that stage the captor interferes to procure the completion; and it is consummated in the actual embarkation made at the instance of the captor.

A gross abuse has been committed by the Master of the detained vessel; a gross fraud against the Treaty was contemplated, and nearly brought to maturity. But can that abuse be punished by the condemnation of the ship, if it has not been fully matured by the voluntary agency of those concerned with the ship, to the state at which the condemnation is directed by the Treaty? Can the captor take the charge of the remaining part of the illegal work upon himself to finish it, or to exact the finishing from those before concerned, giving his own assistance so far as that assistance was necessary? The circumstance of the assistance of the boat may seem casual and unimportant, but it is material in this view, that it certainly would not have been given in aid of an embarkation really designed for the traffick, or for the purposes of the Master as connected with the traffick.

But can the captor be allowed, as a public prosecutor, to complete the offence in order to lay ground for the exaction and infliction of the penalty? I do not think that the captor can be sanctioned in taking advantage of a wrong doing, which is in fact his own; or that the Master of the schooner or his owners can be punished under the Treaty for a wrong doing which is not his, nor theirs, in the full extent required by the Treaty to incur condemnation. Could this vessel have been condemned if these Negroes had not been put on board, as the Caridad and the Nueva Virgen might have been, on proof of the prior embarkation and re-landing? The idea of such a condemnation could not for a moment be entertained.—Can a decree of condemnation pass upon this embarkation made at the instance of the captor, so as to make him profit by the wrong which he must himself be holden to have done?—for what a man does by others must be understood to be done by himself. I do not think that such a course is warranted by the Treaty, or by any case decided in conformity with the approved construction adopted upon the report of the case of the San Salvador, nor by the instructions given by His Majesty's Government to the British Commissioners in consequence, which instructions have since been sanctioned by the acquiescence of the other Powers engaged in the Treaties.

The absence of the Master, the concealment of the papers, or any other default of such nature, cannot warrant condemnation when the examinations enjoined by the Treaty furnish evidence so strong against the right to condemn.

In the course of these considerations I have thought it right to rely principally upon the evidence of the Negroes and of the captors themselves. The statements made by the seamen of the Rosalia respecting the assumption of the entire possession and command of the vessel by the captors, since the division of capturing seamen was placed on board on the 9th of January, would, if allowed to have weight in the case, render it still stronger against the captors, as indicating an actual seizure from the first entry.

On all the grounds that have been already recapitulated, I do conceive that if the Master of the Rosalia was now before the Court as a claimant, and on behalf of the owner; or if he or any person competent to represent the owner or to be entrusted with the vessel were present in the colony to take charge of her upon her release, it would be the duty of this Court to restore her, connecting with the judgment of restitution such declarations of opinion upon the circumstances in which she was found engaged in the traffick, as those circumstances would appear to require.

But this vessel stands before the Court at present without claimant; without representative; without any body in connection with her that can be held authorized to receive her, or qualified to take charge, or in any way fit to be entrusted with the management or disposal of her, on behalf of the Master or of the owner.

This is a case in which, because all the parties are not properly before the Court, and because condemnation is not warranted by the Treaty, and further, because a restitution under the circumstances could not be expected to prove beneficial or satisfactory, the probability of appeal must be taken into contemplation; and this raises the question, how the Commissioners now sitting in

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judgment on this case can best prepare it to meet appeal, by making the fairest decision that the circumstance in which the case is placed before them will admit.

If they cannot condemn the vessel, in conformity with the Treaty, are they therefore to abandon her to her fate, or to throw her back to the Captor upon his responsibility: knowing, as they do by the Treaty, that in the event of failure on his part, that responsibility becomes the responsibility of his Government.

Will they not act most conformably to their duty, and with the most assured regard to the interests of justice, to the interests of those who shall ultimately be held entitled, and to all the interests in whatsoever way concerned, by taking the necessary measures to cause the property to be disposed of to the best advantage, and to cause the proceeds to be preserved, so that they may be forthcoming for the benefit of those whose right to them shall in the end be legally established, whether the owner shall make good a claim upon appeal, or the Crown of Spain shall insist upon forfeiture for the violation of national law, or the operation of the Treaty be extended to this kind of contravention, as well as to those already under its recognized restraint. The preservation of the property to abide the results of the ulterior interests of justice, whatever they may prove to be, appears the best view of the duty of the Commissioners, and this can be accomplished only by condemnation.

I therefore think, that a condemnation ought to take place, not for the infringement of the Treaty, but under the special circumstance, in order to preserve the property, to answer the ultimate purposes of justice. A special detail of the grounds and circumstances of the condemnation must accompany the statement of the case to the superior authorities to whom the Commissioners are bound to report their decisions.

In considering the case of the Slaves brought to this port on board of the Rosalia, the special circumstances of the condemnation lead to a distinction between the rights and the duty of the Court respecting them, and those rights which would result from a formal condemnation for actual infringement of the Treaty.

In cases of condemnation for actual infringement of the Treaty the emancipation of the Negroes is necessarily incidental, and is enjoined by the Treaty as a consecutive act.

In the present case the emancipation is not so much a matter of injunction by the Treaty as it is a matter of propriety on general grounds. The Negroes could not well be emancipated incidentally to the condemnation of the vessel, when it is expressly said, that, according to the Treaty, the vessel ought to be restored, if a claimant had presented himself; but on such a restoration the Negroes could not be involved in a return to slavery, they could not be replaced as private property in the hands of a private owner, prohibited by the laws of his country from acquiring or holding them under the circumstances adduced in evidence. Upon such a restoration of the vessel, the Negroes must have been retained in this Colony, and it appears that it would have been due to the Sovereigns concerned in the Treaty to give the fullest assurance against the possibility of their being employed otherwise than in the free service which the Treaty directs. This assurance can only be afforded by emancipation; the grounds and the circumstances of that emancipation, as well as those of the condemnation of the vessel, must be specially reported to the higher authorities.

No. 11.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received September 12.)

MY LORD, *Sierra Leone, July 24, 1822.*

WE have the honour to forward to your Lordship an abstract of the case of the schooner *Dichosa Estrella*, taken under Spanish colours, and brought for adjudication by Captain Knight, of His Majesty's ship Morgiana, under a charge of trading for Slaves, in violation of the Treaty between Great Britain and Spain.

There were on board this vessel French as well as Spanish papers. The Master was a Frenchman, and the log-book was kept in the French language. It is to be inferred, that there was an intention to assume the French national character, if the presence of French cruizers on the coast, when the capture took place, had not rendered such a scheme unavailing. One of these cruizers, the brig L'Huron, visited this vessel while she lay off Trade Town.

The particular point in this case, to which we would beg leave to attract your Lordship's notice, is the shipment of certain Slaves belonging to this vessel, in consequence of certain communications from Captain Knight to the Native Chief at Trade Town. The statement given by Captain Knight of the

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circumstances of this transaction, in the affidavit made by him in further proof, will convey the best information of the matters of fact.

The Commanders of His Majesty's cruizers justly consider it as a great abuse that cargoes of Slaves should be collected on shore in readiness for embarkation, and that the vessel for which they are collected should brave them on the same station, and be considered not liable to capture and condemnation.

The Commissioners of the Mixed Courts, while they are sensible of the grossness of the abuse, do not find themselves warranted to afford a remedy for it by condemnation, unless proof can be given of the actual embarkation of a Slave for the purposes of traffick. What is considered warranted by the fair interpretation of the Treaty, and by the analogy of corresponding practice in cases of contraband, is to hold the detention of vessels so found not liable to demurrage or damages, when there is any reasonable ground of suspicion that a Slave has been on board for the purposes of the traffick.

In cases in which the detention is founded upon ascertained illegal embarkation previously existing, we conceive that all proper means may be employed to obtain the delivery of Slaves kept in depôt on shore for the vessel detained, and that such Slaves when delivered up are to be emancipated in the regular course of the judicial administration under the Treaties. In cases in which such a delivery is obtained, without any proof of previously existing embarkation of a Slave for the traffick, we think the most appropriate course respecting the Slaves is to pronounce a special decision, giving emancipation in order to guarantee the freedom covenanted by the Treaties. There is no title to restitution in such cases, the Slaves having been illegally purchased; and the ordinary emancipation, according to the Treaties, cannot take place on account of the irregularity of the capture. We have to request your Lordship's instructions on these points.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(First Inclosure in No. 11.)

Case of the Spanish Schooner Dichosa Estrella.

THE schooner Dichosa Estrella, Domingo Larose, Master, sailing under Spanish colours, was taken on the 17th of March 1822, by His Majesty's ship Morgiana, Captain Knight, off Trade Town, in lat. 5, 44 N. long. 9, 50 W.

This vessel had on board Spanish papers from Porto Rico, in which she was described as the property of Don Santiago Rufane, of that place. There was a bill of sale of a vessel named Borriguen Laura, to this Rufane, and it was stated that he had changed the name of Borriguen Laura, to Dichosa Estrella. There was, however, a French pass from Martinique, evidently for this vessel under the name of L'Heureuse Etoile, she was described as the property of the Sieur Morin, of Martinique, commanded by Mons. Larose. It appeared that the name of L'Heureuse Etoile was simply translated into the Spanish, Dichosa Estrella, and that Mons. Larose still retained the command under the Spanish designation of Don Domingo Larose. He kept his log-book in the French language, still calling her L'Heureuse Etoile.

From this mixture of national characteristics it may be inferred, that it was intended to make this vessel pass for French, in the event of falling in with British cruizers, if the scheme had not been deranged by the presence of the French corvette La Diane, and the French brig of war Le Huron, on this part of the coast. The Estrella had already been boarded by a Lieutenant of the Huron, and released after examination, as appears by an entry on the log-book,—(Il m'a largué après m'avoir visité.)

The Spanish characteristics attached to this vessel were fully sufficient to bring her under the influence of the Treaty between Great Britain and Spain for preventing illegal Slave Trade, and under the jurisdiction of the British and Spanish Mixed Court.

The Dichosa Estrella had not any Slave on board at the time of capture, but she had a cargo of Slaves purchased and ready for embarkation on the shore, collected from the different Slave trading stations in the vicinity of Trade Town, Grand Basa, Petit Basa, Grand Corron, &c.

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and some of the Slaves purchased at these places had been, according to information received by Captain Knight, conveyed from those places to Trade Town on board the Estrella.

The vessel was detained in order to ascertain this fact, and a negociation was opened between Captain Knight and the Native Chief at Trade Town, for the purpose of obtaining the delivery of the Slaves kept in depôt on shore. A number of those Slaves was sent off in consequence, and, of these, four were put on board the schooner. Upon the embarkation of these four, the seizure and prosecution were founded.

As this embarkation, exacted from a Native Chief, could not be considered as an embarkation for the purposes of the traffick on the part of the Master of the vessel, the Court, according to the judgment formed under circumstances of a similar embarkation in the preceding case of the Spanish schooner Rosalia, taken in the Rio Pongos, by His Majesty's brig Thistle, Lieutenant Hagan, would have felt itself bound to decline passing a decree of condemnation, until proof should have been given of some prior shipment of a Slave or Slaves for the traffick. A delay of judgment on this ground did in fact take place at the request of the Agent for the Captors after the first hearing.

The vessel had been previously wrecked on the coast of Mesurado, on her way to the Colony.—The natives had made an attack on the wreck, and carried off nine of the Slaves. The remainder, twenty-five in number, had been preserved from the rapacity of these barbarians, by the prompt and gallant assistance of the inhabitants of the new American settlement at Mesurado. The Slaves thus rescued were brought to Sierra Leone in the American schooner Augusta, with the prize Master, Mr. Maclean, midshipman of the Morgiana, and the rest of the prize crew.—Mr. Maclean died on board the Augusta shortly after her arrival at Sierra Leone. The Master of the Dichosa Estrella had gone on board a French vessel on the passage to Sierra Leone, before the shipwreck, and that vessel made sail immediately after and took him away, consequently there was not any claim at that time.

On the arrival of Captain Knight, with the Morgiana, the Mate of the Dichosa Estrella presented himself as a claimant, but the Court did not consider the grounds of his application sufficient to warrant his appearance in that character.

The Court having considered such further evidence as Captain Knight was enabled to furnish, and having seen a report from the Registrar, who, upon confronting the Slaves of the Estrella, with the seamen of that vessel, by order of the Judges, stated, that several of the said Negroes, pointed out one of the seamen, named José Rido, as the person who purchased them at Trade Town, and that the said Negroes appeared generally to recognize each other, as belonging to the said schooner.

The Court was of opinion, that as the schooner Dichosa Estrella was no longer in existence, having been wrecked on her passage to Sierra Leone, without any imputation of misconduct or negligence on the part of the Captors, and as some deficiency remained with respect to proof of the embarkation of a Slave or Slaves for the traffick prior to the embarkation, exacted from or through the Native Chief at Trade Town, (which deficiency, however, Captain Knight was confident that he should be enabled to supply, if the ulterior destination of the Morgiana did not take him away from the coast)—the judgment most appropriate to the circumstances of the case would be to declare, that the Dichosa Estrella was justifiably and legally detained, so to bar any attempt to bring actions against the Captors; and that the Slaves belonging to her should be specially emancipated in the same manner as the Slaves belonging to the Rosalia.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

(*Second Inclosure in No.* 11.)

Affidavit of Christopher Knight, Captain of His Majesty's Ship Morgiana, in the Case of the Dichosa Estrella.

I, CHRISTOPHER KNIGHT, do hereby swear, that, on the 14th of March, 1822, I boarded the Spanish schooner Dichosa Estrella, off Trade Town, and ordered her to keep company with me, until I had obtained further information as to the truth of what two natives had told me, who came from Trade Town in their canoe.

The story of the above men was, that the schooner had landed some Slaves at Trade Town, whom she had bought at other places, and that she had above one hundred, purchased and in irons on shore.—The Mate had come on board the ship at first with the papers; but in order to make further enquiries, I sent for the Master also.—As I intended to anchor at Trade Town for the night, and that was also the destination of the schooner, I gave the Master directions to order his vessel to follow us there.—A tornado came on, which drove the schooner far to leeward, and the next day, as the crew on board her did not seem to make the necessary exertions to rejoin us, the Master (Larose) urgently requested me to send an Officer from the Morgiana to bring her up.—I accordingly sent a Midshipman and some men, with orders to tell the Spaniards, that he came by *their Master's* wish to work her up to Trade Town.—It did not suit my views at that time to run the Morgiana to leeward. I conceived it to be my duty to have a true statement from the King, or else more evidence from other of the natives than the first two that had come off. As the wind did not allow the ship to get close in with Trade Town, until the

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16th, and my original informants persisted in their story, without the least prevarication I sent a boat on shore to demand the Slaves actually belonging to the Dichosa Estrella. — The King instantly promised full compliance, and soon after sent off twenty-nine to the ship, alledging as an excuse for not sending the remainder, that the people who had had charge of them had fled into the woods on the near approach of the Morgiana, and left the Slaves to themselves, who, in consequence, had fled also. — The King, however, said he would use every endeavour to find them, and send them off. At this time I had not fired a shot either at or near the town.—When the schooner came up, and anchored near us, I told the Master not to conceive that I had then captured his vessel, but that, as I had met him under such suspicious circumstances, I was fully authorized to examine minutely into the affair.—The Master allowed I was correct in so doing, and wanted to compromise for his safety, by the private offer to me of having all the Slaves, and allowing him to make his escape with the schooner. After such a proposal, as the King had not sent any more Slaves off, I fired a few shots over the town. Soon after it was reported to me, that a canoe had come off with five Slaves, I immediately ordered her away; but, in the mean time, one of the five had been put on board this ship: I put that Slave with the other twenty-nine, and sent the canoe away with the other four. — I believe she pulled towards the schooner. — Soon after it was reported to me, that there were four Slaves on board the schooner, I then sent an Officer to her, who was qualified to seize Slave-vessels, the Officer was the Master of the Morgiana. At the same time, I told the Master of the schooner (Larose) that I should send his vessel to Sierra Leone for judgment, but that he was to go in her that he might defend his own cause.

The Supercargo had constant opportunities of seeing me, had he chosen to have done so: he did not appear. — A young man, who acted as Clerk to the Supercargo, came off; he declared in the presence of me, and nearly all the Officers, by means of an Interpreter, that the Supercargo had purchased one hundred and ten Slaves for the schooner. I do further swear, that the Master (Larose) did own to me that he was a Frenchman, and it appears by the two registers, that he had, until very lately, actually been employed under the flag of France.

That the Master of a Spanish Slave vessel should not be a native Spaniard, is in express contradiction of Article Fourth of the Treaty between Great Britain and Spain. This last circumstance would have induced me to send the schooner in, had I had no other plea against her.

(Signed) CHRISTOPHER KNIGHT,
Commander of H. M. S. Morgiana.

Taken and sworn, this 12th Day of June, in the Year of Our Lord, 1822, (being written on two sheets) before me, (Signed) D. W. HAMILTON, Registrar.

No. 12.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.— (Received September 12.)

MY LORD, *Sierra Leone, July 24, 1822.*

THE case of the Spanish schooners Vecua and Icanam, of which an abstract is inclosed in this despatch, has a new and painful characteristick in the hostility and violence opposed by those vessels to the boats of His Majesty's ships Iphigenia and Myrmidon, under the command of Lieutenant Mildmay of the Iphigenia, while these boats were proceeding towards them, with colours displayed, in the full confidence of the peaceful exercise of the legal right of visitation, according to the Treaty between His Majesty and the King of Spain for preventing illegal traffick in Slaves.

This aggression, sufficiently atrocious in itself, was, we regret to state, accompanied and preceded by circumstances which greatly aggravated the criminality of the parties concerned. Three French vessels, at anchor in the same place, were induced to join their fire to that of the Spaniards, and two British seamen were killed and five wounded in the conflict, which terminated in the capture of the French vessels as well as of the Spanish.

These Spanish vessels were of large size, formidably manned and armed; purposely fitted out in order to carry into effect a determination of illegal Slave Trade by force of arms.

The Officers and crews were pledged by special engagements, and further by large benefits depending altogether upon the success of the enterprize, to make every effort for the defence and assistance of the vessels and cargoes

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to the last extremity; the seamen were to yield a blind obedience to the orders of the Captain without pretending to inquire into his designs. All further claims were renounced in the event of the loss or capture of the vessels.

These articles of engagement are the same in both these vessels, and they exhibit so distinctly and so forcibly the spirit of lawless violence in which the expedition was fitted out and despatched, that we have thought it our duty to send copies of them, annexed to the case, for your Lordship's more particular information.

The passports of both these vessels, directed to objects of legitimate commerce, have a clause enjoining the Master to bear in mind the penalties attached to the violation of the laws prohibiting the Slave Trade. These passports, as well as the other papers of both ships, name Don Luis Martinez as sole owner of the vessels and cargoes. A seaman belonging to the Icanam, on the authority of the general conversation on board that vessel, stated, that Don Antonio Frias was her sole owner. But there is among her papers a bill of sale transferring her from Frias to Martinez. We are persuaded, however, that the outfit of two vessels of such magnitude, on such an enterprise, was a matter of too much cost and hazard to be the affair of a single individual. Martinez was, we have no doubt, merely an ostensible proprietor, taking upon himself the whole of the disgrace in the event of defeat and capture, and screening more cautious participators, who would be let into their respective shares of the advantage in the event of success.

We trust that the signal defeat which has been sustained in this instance will prevent a repetition of such criminal and desperate adventures.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(First Inclosure in No. 12.)

Cases of the Spanish Schooners Vecua and Icanam.

AS these vessels were the property of the same owner, as they were fitted out together and sailed together from the Havannah, as they were taken at the same time and brought for adjudication one immediately after the other, the cases of both may, it appears, be most conveniently blended in one statement. The facts and circumstances of both are the same in every respect, with the exception of the loss of the Icanam, at Sea, by a tornado, on her way to Sierra Leone for adjudication, by which calamitous event nearly all those who were on board perished.

THE Vecua, Don Vicente Gomez, Master, and the Icanam, commanded by Don Antonio Moreyra, two Spanish schooners of the largest class, were taken on the 15th of April in the River Bonny, in lat. 4, 42 North, long. 7, 22 East, by the boats of His Majesty's ships Iphigenia and Myrmidon, commanded by Lieutenant Mildmay, acting under orders from Commodore Sir Robert Mends.

The Vecua had on board at the time of capture three hundred Slaves, and twenty-five more were subsequently given up by the Native Chief of the place as belonging to her.

The Icanam had on board three hundred and eighty Slaves.

These facts alone are sufficient to establish the charge of illicit Traffick in Slaves, contrary to the Treaty between Great Britain and Spain.

But there are other facts and circumstances which greatly aggravate that violation, and ought, therefore, not to be passed over without due animadversion.

These vessels were of great force and were formidably prepared with every description of hostile armament. The Icanam had ten guns mounted, and a crew of forty-six men; she was, moreover, amply provided with muskets, pistols, swords, and ammunition. The Vecua was nearly of equal strength, she carried ten guns, of which one was dismounted, and a crew of forty men, supplied in the like manner, with small arms and ammunition.

On the approach of the boats conveying the British detachment the hostile purpose of this armament was immediately disclosed. The Icanam and the Vecua, without shewing any colours,

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opened a fire upon the boats of His Majesty's ships as they advanced towards them. Three vessels under French colours, laying at anchor in the same place, joined in this act of unwarrantable violence and hostility; the British boats having at the time their colours displayed and being in progress to the exercise of the legal right of visiting the Spanish vessels, according to the provisions of the Treaty between Great Britain and Spain.

This formidable opposition was overcome by the gallantry of the British detachments; and the vessels of the aggressors were taken with the loss of two men killed and five wounded on the British side.

The guilt of this lawless effusion of blood would be great if it arose only from an immediate concert and combination of illegal Slave traders found on the scene of the transaction. But it appears this outrage was the consequence, not only of a previous arrangement with the immediate co-operators, but also of an earlier design of criminal violence, interwoven with the original outfit of the expedition from the Havannah. This design is exhibited in the fulness of its contemplated atrocity by the papers found on board both the vessels.

Both these vessels, as the papers shew, were the property of Don Luis Martinez, of the Havannah; a seaman of the Vecua, examined on the standing interrogatories, represents Don Antonio Frias, also of the Havannah, to be the owner of that vessel; but there is among the papers a bill of sale from Frias to Martinez.

There was among each set of papers a passport for a trading voyage to the Coast of Africa: the same Officer who authenticated these passports had endorsed on each of them a note, declaring that the trade was to be "For raw hides, oil, ivory, and other objects of permitted commerce; the Captain to bear in mind the penalties attached to the infringement of the prohibition imposed by the first Article of the Royal Cedula, dated Madrid, the 17th December 1817, on the purchase of Slaves in any place within the range of his destination."

A particular clause in the articles of agreement, signed by the crew of each vessel, will shew how little this prohibition was regarded.

These men bound themselves to throw all their chests and boxes overboard, as soon as they should arrive on the coast; and further to give up the place assigned for their births in the forecastle, contenting themselves to lodge wheresoever the Captain should direct.

These covenants could not have any other object in view than that of an enlargement of space, in order to afford the most ample accommodation for a cargo of Slaves.

There are other engagements which shew as distinctly a determination to employ every effort to accomplish that Slave-trading purpose, by force of arms.

The articles of the Captain of the Vecua with the owner, covenant for a salary of an hundred dollars for every month, and eight per Cent. upon the gross proceeds of the return cargo; but he agrees to abandon all claims in the event of the loss or *capture* of the vessel. He had besides an interest of fourteen hundred dollars in the adventure; this share was to abide the general event of the expedition. The Mate of the same vessel was to receive sixty dollars a month, and one dollar for every pipe of oil,—meaning for every Slave; he also abandons all claims in the event of loss or capture.

The seamen of both vessels were to receive, according to their several classes, thirty or twenty-five dollars a month each; they engaged to forego all claims in the event of loss or capture. They further bind themselves to conform to the orders of the Captain, and to all other superior Officers, and on failure in this duty, to submit to all proper chastisement, the forfeiture of their wages being the first penalty, and to yield an absolutely blind obedience in every thing that may be ordered, and that may tend to the successful issue of the expedition, as well during the stay on the Coast of Africa, as on the return, defending and assisting the ship and the cargo with their utmost efforts, even to the last extremity, following the instructions and orders of the Captain, without meddling to ascertain his designs.

These articles, while they hold forth extraordinary advantages to the Captain and other Officers, and to the seamen also, upon the success of the voyage, make those interests altogether dependent upon that success, and thus pledge every one of them in his place to contend to the last extremity against those contingencies of capture or other loss, which would deprive them of their promised benefits.

Under these engagements the vessels sailed together from the Havannah, on the 24th of October 1821, but the Vecua having sprung a leak, both put into Porto Rico on the 16th of November, and it appears, by a protest made there by Captain Gomez and his crew, that a letter of instructions given to Moreyra, of the Icanam, as commanding the vessel of superior force, directed that they should always keep in company one with the other. They sailed together from Porto Rico on the 27th November, and continued their voyage to Bonny, where they immediately engaged in the Slave Trade.

The engagements which have been recapitulated, and others of a similar nature, point directly to the contingency of falling in with a British ship of war, cruizing under the authority of the Treaties for preventing illicit Traffick in Slaves. It was expected, no doubt, that the powerful and united strength of two vessels, so formidably manned and armed, and the determined and desperate spirit with which that strength was to be brought into action, would deter or conquer any force that could come against them, in the recesses of the Slave-trading haunt which they had selected. But these hopes, and the designs connected with them, have happily been frustrated by the gallantry and determination of the capturing party.

To this summary the Commissioners of the Mixed Court have to add their earnest hopes, that the individuals concerned in the outfit of these Slave-trading corsairs will not be suffered to escape with impunity.

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The judgement of the Mixed Court was, that the Vecua be condemned as lawful prize to the British and Spanish Crowns, and that the Slaves belonging to her be emancipated.

Sierra Leone, July 24, 1822. (Signed) E. GREGORY.
EDWARD FITZGERALD.

(Second Inclosure in No. 12.*)*

(Translation.)

DON VICENTE GOMEZ, Captain and Master of the Vecua, Spanish schooner, and Don Luis Martinez, owner of that vessel, have agreed as follows :

1. The former binds himself to discharge, with all punctuality, the duties annexed to the above offices, and to try at all the ports on the Coast of Africa to collect the cargo of the sorts specified in his instructions ; he at the same time engages not to demand any pay whatsoever in case the vessel should be lost or taken, except his share of what may be saved.

2. The latter binds himself to compensate the pains which the former takes in discharging the functions of both these trusts with one hundred dollars a month, to be calculated from the day of his setting sail, and eight per centum commission on the proceeds of the sale of what may be imported into this harbour.

3. The former binds himself to take out no venture on his private account, as the whole undertaking is understood to be on account of the freighter.

And that both of us may adhere to the above, we have signed two copies of the same tenour, binding ourselves, by every legal form, to abide by and execute what is set forth in the present agreement.

Havannah, September 29, 1821. (Signed) LUIS MARTINEZ.

(Third Inclosure in No. 12.*)*

(Translation.)

RECEIVED from Don Vicente Gomez, the sum of one thousand four hundred dollars, in specie, which just mentioned sum he tenders on account of his share in the Vecua, Spanish schooner, commanded by him, and fitted out for the Coast of Africa ; it being understood that the said Don Vicente Gomez is obliged to abide by the success or failure of the voyage to be performed by the said schooner, conformably with the proportion accruing to him of the expences and the issue of the said adventure, in consideration of the above stated one thousand four hundred dollars, which I place to his credit.

Havannah, October 10, 1821. (Signed) LUIS MARTINEZ.

Dollars, 1,400.

(Fourth Inclosure in No. 12.*)*

(Translation.)

DON JUAN JOSE DE LA ROSA, Boatswain of the Vecua, Spanish schooner, and Don Luis Martinez, freighter of the said vessel, have come to the following agreement :

1. The former binds himself faithfully to serve as boatswain on board the said vessel, and to obey the orders of ———, Master, in whatever may tend to the success of the adventure, engaging to make no demand whatever if she should be lost or taken, excepting his proportion of what may be saved.

2. He also binds himself, in case the superior officers should die, to discharge their functions without any emolument.

3. That Don Luis Martinez, to recompense him for his trouble and employment, gives to Don Juan José de la Rosa sixty dollars per month, and one dollar for a pipe of vinegar.

And that both of us may adhere to the above, we sign two copies of the same tenour, binding ourselves, by every legal form, to abide by and fulfil what is set forth in this agreement, it being understood, that the wages just mentioned shall not commence until the day that the vessel shall set sail.

Havannah, September 27, 1821. (Signed) LUIS MARTINEZ.

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(Fifth Inclosure in No. 12.)

(Translation.)

DON VICENTE GOMEZ, Captain and Master of the Vecua, Spanish schooner, and Don William Bogue, have come to the following agreement:

1. That Don Vicente Gomez affords the said Bogue a situation on board for the purpose of whatever he may need, as well during his voyage out as on his return, paying to him for his labour, at the return of the vessel, and when the cargo shall be in safety, the sum of two thousand two hundred and fifty dollars, and one hundred dollars per month from the day that the vessel shall set sail from this port, and giving him here, before the departure, a month's pay in advance, on the express condition, that if the vessel be lost or captured he will claim nothing.

2. That I, Don William Bogue, will comply with all that is specified in the preceding article, binding myself to fulfil, in every respect, the directions of the Captain; and if I should fail in discharging what is laid down in the present agreement nothing shall be paid to me; on the contrary, I will be responsible for any damages and prejudices that may be occasioned by my remissness.

And as we both have concurred in the above, we bind ourselves, by every legal form, to the performance of the part belonging to each of us, to which end we have signed two copies of the same tenour.

Havannah, October 11, 1821. (Signed) WILLIAM BOGUE.

(Sixth Inclosure in No. 12.)

(Translation.)

Articles agreed to by the undersigned Crew of the {Vecua, Don Vicente Gomez. / Icanam, Antonio Moreyra,} *Master, Spanish Schooner.*

1. THAT each of us seamen is to be credited for thirty dollars per month, and each of the boys for five and twenty.

2. That we shall have one month's wages advanced to us.

3. That, as soon as we shall have quitted this port, our board is to consist of bread, flesh meat, and soups, and one day in the week of salt cod or other salt fish, if it can be procured, and of a bottle and a half of brandy a day portioned out to the meals of each mess, composed of ten individuals, it being understood that if the spirits should be consumed previous to our return to this port, the deficiency shall be made up to us in money, according to the price at which brandy may sell at the time of our arrival; but this shall not apply to coffee, which shall be served out to us morning and evening until we shall reach the coast.

4. That, if this vessel be captured or lost, we shall have no claim, either respecting our wages or on any other account, unless some of the fragments be saved, of which, on being sold, the proceeds shall be shared according to proportion.

5. That we bind ourselves scrupulously to discharge our duties, by paying obedience to all our superiors; and that if we should fail in so doing, or evince any disposition to transgress any of the articles herein specified, we shall be compellable thereto, and liable to be corrected in the manner we may deserve, more particularly by forfeiting our wages, together with any other remuneration, inasmuch as our submission to the Master and the mates is to be absolutely implicit relative to whatever we shall be enjoined, and what may tend to the success of the voyage, as well during our stay on the Coast of Africa, as while returning thence to this island; and likewise, that we will defend, and use the greatest efforts in standing by the vessel and her cargo, even to the last extremity, and will comply with the directions and commands of the said Master, nor will presume to interfere in, or pry into, his designs.

6. That on the day of our arrival on the coast we will cheerfully throw overboard any trunks and chests which we may have carried along with us.

7. That as soon as the lading begins to be taken on board we will quit the forepart of the vessel for any other birth which the Master, or, in his absence or disability, some other person, may assign us to occupy and sleep in.

8. That the moment the vessel shall have come to an anchor in any of the different places on the coast to which, according to circumstances, she may be destined, we will keep watch, day and night, until our return to this port without alleging weariness or any other plea.

9. That in case of illness we shall have given up to us the best accommodation that can be found, without any distinction or favour, the same as though it were wanted for the Master.

10. That from the departure of the vessel out of this harbour to her return, two successive topmast watches shall be kept up; but in case we, the ship's boys, by reason of sickness, or on some other ground, should be insufficient for the discharge of that duty, the seamen shall be obliged to fill up the vacancies which we are not capable of supplying.

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11. That we will give security for what we shall receive in advance before quitting this Island, lest a ship's company, consisting of men of character, such as the present individuals, should be obtruded upon by persons likely to injure our credit with the Master and the Mates.

And to the performance of all and each of the above articles we reciprocally bind ourselves, on the one part Don Antonio Moreyra, and on the other the individuals who have signed their names hereinafter, in order that we may at any time be made to fulfil the duties which we are taking on ourselves in the mode and form before stated; the said articles serving as a guidance and rule for our conduct on all occasions; and we disavow, in the most effectual manner known, all such laws as may favour and justify us in infringing the present agreement, to the end that we may not hereafter be competent to put in any claim contrary to its express tenour, and far less if such claim should tend to the prejudice and disadvantage of the Master or the owners of the vessel, in which case we desire not to be attended to or admitted before any Court of Judicature, declaring for the present, and for every time to come, that we alone shall be responsible and liable to punishment, and authorising to that effect the Tribunal to which we shall make application, and furthermore, that the said Tribunal shall impose upon us a fine of five hundred dollars, which we fix as our penalty, the payment of which is to be paramount to all other steps, be the proceedings instituted on the occasion of what nature they may.

Havannah, September 27, 1821.

Note. It is fully understood and agreed upon, that the wages shall not commence until the day that the vessel shall put to sea, an arrangement for that purpose having been made with the Master.

Signatures of Boys, * * * * * * * * *

Signatures of Seamen, * * * * * * * * *

No. 13.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(*Received February* 14, 1823.)

(Extract.) *Sierra Leone, August* 15, 1822.

WE have the honour to lay before your Lordship the inclosed statement of the case of the schooner *Joseph*. This vessel, under the mask of a pretended Swedish national character, was employed at the time of her capture in carrying on the Slave Trade for the account of one Zachariah Atkins, resident at Matanzas, in the Island of Cuba. This Atkins was also proved to be part owner of the schooner.

The decision of this case was attended with unusual delay and difficulty, arising principally from deficiency of evidence, and from contradictions in the evidence actually produced in some of the most material points. No person could be found to translate a paper in the Swedish language, alleged by the Master and claimant to be a passport for free navigation, and certificate of registry, until the arrival of the Iphigenia from her cruize on the Leeward Coast, when a Swedish seaman belonging to that ship gave a translation, which shewed the paper to be merely a certificate of admeasurement.

This discovery, joined with some other circumstances, induced Mr. Gregory to concur in the opinion previously declared by Mr. Fitzgerald for the condemnation of the vessel, on his own view of the questionable paper, as well as of the other evidence.

In the course of the protracted investigation which this case underwent, it assumed different appearances at different periods. At one time it seemed to be the case of a vessel really Swedish, carrying on the Slave Trade for the account of a subject of His Catholick Majesty.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

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(Inclosure in No. 13.)

Abstract of the Case of the Schooner Joseph, *Krause, Master.*

THIS vessel was prosecuted in the British and Spanish Mixed Court, in consequence of a suggestion of the Judge of the Court of Vice Admiralty, in which Court proceedings were first instituted against her on the ground of British ownership, and of several alleged violations of British law. These allegations the Judge in that Court held not to be sustained, but as the vessel had been fitted out for the present voyage at Matanzas, in the Island of Cuba, with circumstances manifesting an intention of carrying off a cargo of Slaves from the coast, and as it appeared, that she had actually been engaged in trading for Slaves, and that a cargo of Slaves was in readiness to be embarked on board of her at the time when she was taken, he considered that there was sufficient presumptive evidence of Slave Trade, in violation of the Treaty between Great Britain and Spain, to warrant the institution of proceedings in the British and Spanish Mixed Court, in order that the real character of the case and its connections may be elicited by the strict scrutiny of the standing interrogatories.

Proceedings were accordingly taken in the British and Spanish Court.

The schooner Joseph was detained on the 26th of February 1822, at the Gallinas, in lat.—by Lieutenant Clarkson, of His Majesty's ship Iphigenia, and a detachment of seamen despatched by Commodore Sir Robert Mends, on board the American schooner Augusta, in search of illegal Slave-traders.

The Master of the Joseph, who also declared himself sole owner, professed himself to be a subject of the King of Sweden, and his vessel to be a Swedish vessel registered at the Swedish Island of Saint Bartholomew, in the West Indies, and navigated under the Swedish flag. But it appeared, by the papers found on board, that she was fitted out on this voyage at Matanzas, in the Island of Cuba, for the purpose of taking a cargo of Slaves from the coast, and that the outward cargo was put on board at that place by one Zachariah Atkins. The log-book, and the ordinary papers of the ship's business, as well as the private papers of the Master, and of the Mate, were in the English language. There was a Spanish clearance from Matanzas, describing the vessel as Swedish, and naming Krause as the Master. This paper stated, that the goods of the outward cargo were shipped by Atkins, as consignee of the vessel, for the account and risque of the Master. There were two papers, dated at Saint Bartholomew, the 15th of July 1819; one of these was in the English language, and was attested, by a note at the bottom, to be a true copy, of the corresponding original oath remaining at the Justiciary's Office in that Island. It was an oath of the Master, Krause, declaring himself to be sole owner of the schooner Joseph, and pledging him, in the event of any sale or transfer of the vessel, to retain and return to the Justiciary's Office in that Island the passport obtained for her, so as to prevent use thereof being made by any other person than the said Johan Krause.

There was not any Slave on board at the time of seizure, but a note written by the Master on shore at the Gallinas to the Mate on board, mentioned, that they had begun to send him some Slaves, and that he hoped to be ready on the 25th. This was the day preceding the capture.

A claim was given by Krause, in which he stated himself to be Master and owner of the vessel; a subject of the King of Sweden, and an inhabitant of the Island of Saint Bartholomew. In an affidavit annexed to the claim, he swore, that he was not engaged in the unlawful Traffick in Slaves; the same affidavit states, that the King of Sweden was not a party to the Treaties of Mixed Commission; and, therefore, the detention of the said Swedish schooner Joseph, was unlawful.

In his examination on the standing interrogatories, Krause declared himself Master and sole owner of the vessel and cargo, that he was a subject of the King of Sweden, that his vessel was navigated under the Swedish flag, and that he had not engaged in Slave Trade.

One of the seamen of the Joseph, named Michael Roddy, called Zachariah Atkins, of Matanzas, as part owner of the vessel, and owner of the whole of the cargo; he believed this, because he had heard Mr. Atkins say so. This man swore also, that seven men Slaves and one woman Slave had been taken on board the Joseph at the Island of Bulola, but had been landed again through fear that some of the men of war might come and find them on board.

Krause acknowledged the fact of this shipment and relanding, but explained it by stating, that he kept these Slaves for the accommodation of a person of the place, named Jack Simpson, whose premises were crowded.

Others of the seamen, examined in the cause, declared themselves unable to explain this shipment and relanding; they were also unable to give any information respecting the ownership of the vessel, or her cargo.

No translation of the Swedish paper could be obtained.

On the 17th of May, the cause came on for judgment.

Mr. Gregory, considering the fact, that the Joseph was cleared out by the Spanish Custom House, at Matanzas, as a Swedish vessel, that she was so cleared out upon the authority of the papers before the Court; considering that it did not appear that Atkins interfered directly, or indirectly, with the vessel or her crew, and, on other grounds also, regarding the *Joseph* as a Swedish vessel, was of opinion, that she was not liable to the operation of the Treaty between Great Britain and Spain for preventing illegal Slave Trade.

Mr. Gregory, in the course of the observations made by him upon some of the arguments of

the Proctor for the Captors, and upon the case generally, expressed an opinion that Foreign vessels, that is, vessels not subject to the Powers, parties to the Treaty, could not be adjudicated under the Treaty betwixt Great Britain and Spain, which he thought solely authorized the visit, detention and adjudication of British and Spanish vessels. Mr. Gregory further entertained the idea that the British and Spanish Court of Mixed Commission could not exercise a jurisdiction over, or proceed to the adjudication of Spanish or British property that might be on board of such Foreign vessels. In support of his opinion, Mr. Gregory referred to the different Slave Trade restriction Treaties, which only allowed to Great Britain a very qualified right of search over Spanish, Portuguese, and Netherlands vessels: to the late Act of Parliament granting bounties to captors of Slave vessels of such Nations; and to the case of the French vessel Le Louis, that was decided in the year 1817, by the Judge of the High Court of Admiralty in England.

Mr. Fitzgerald's opinion was, that, according to the third clause of the fifth article of the Treaty between Great Britain and Spain, Slave Trade carried on for Spanish account, under any flag whatsoever, was subject to the operations of the Treaty, and that vessels so trading might be visited and detained accordingly. But in the present case, regarding the Swedish paper, from its aspect, and such examination as he could give to it, merely as a paper of measurement, and considering the evidence of Roddy as more credible and better sustained than that of Krause, he held it to be proved, that Zachariah Atkins, of Matanzas, was part-owner of the schooner Joseph, as well as sole owner of her cargo: his impression was also, that the embarkation of the eight Slaves taken on board at Bulola was for the purpose of the traffick. He, therefore, thought that the vessel, and any part of the cargo that might be remaining on board, should be condemned as lawful prize to the Crowns of Great Britain and of Spain.

His Majesty's Commissioners, thus differing in opinion, left no means untried to lead them to a better and more uniform understanding, but neither the additional evidence obtained, nor the repeated conferences upon the questionable points, led to any decisive result. No person competent to translate the Swedish paper could be found until the arrival of His Majesty's ship Iphigenia, from the cruize to the Southward. A Swedish Seaman on board of that vessel having furnished a translation, which shewed that paper to be merely a paper of measurement, Mr. Gregory reconsidered the case, and finally concurred with Mr. Fitzgerald in a judgment of condemnation against the schooner Joseph.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

No. 14.

Mr. Secretary Canning to the British Commissioners at Sierra Leone.

GENTLEMEN, *Foreign Office, September 25, 1822.*

I HAVE to acknowledge the receipt of your despatch of the 17th of March 1822, (Spain), stating the condemnation by you of the Spanish schooner *Rosalia*, and inclosing your respective opinions on the case of that vessel.

This case has received the serious consideration of His Majesty's Government, and, with reference to the probability intimated by you, that a disposition to make captures in similar cases is likely to arise from the judgment you have pronounced on the Rosalia, I hasten to press upon your attention the following observations:

The Treaty with Spain, under which you act, had limited the forfeiture of the property to ships having Slaves actually on board for illegal trade at the time of capture; and the subsequent extension of that provision of the Treaty to the case of a ship having had a Slave or Slaves on board of her for illegal trade at any time during the voyage on which she was detained, while it enables you to act up to that extension, strictly limits the propriety of condemnation to the cases which may come under that extended provision.

On no other grounds than on those stated in the Treaty, or subsequently agreed upon by the High Contracting Parties, could a sentence of condemnation be with propriety passed upon the vessel.

Now, the opinion given jointly by you in the case of the Rosalia, is, that there was no sufficient proof that any one Slave had been on board for the purposes of the traffick before the Captor boarded the vessel; and that those Slaves who were subsequently embarked, were sent on board of the vessel

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from the shore at the instance of the Captor, who urged the Native Chiefs to this step, with a view to obtain a colourable pretext for her detention.

You both concur in the opinion, that, under these circumstances, the vessel was illegally captured; and that if any one competent to represent the owner had been present, it would have been the duty of your Court to order her restitution.

It is with much concern, therefore, that I perceive the conclusion to which you have come, in ordering the condemnation of the vessel to the Crowns of Great Britain and Spain; thus, in fact, going beyond the terms of the Treaty, and sanctioning a capture, of which you very properly speak in terms of reprobation; preventing the restitution of the vessel, or her value, unless upon an appeal, and, if no appeal be made, perhaps entitling the Captors to bounties, as if they had made a meritorious seizure.

Full justice is done by His Majesty's Government to the expression of your earnest desire to act up to your instructions, and to the character you hold as Judges to administer justice between the Captors and the captured, "strictly, impartially, and conscientiously;" and due weight is given to the reasons alledged by you for the condemnation; namely, "that there might thus "exist a legal custody of the vessel, and an authority for the conversion of the "property." But the proceeding taken to obtain this end, I am sorry to observe, is irregular. Under your apprehension of what might happen in deterioration to the property for want of legal custody, directions might more properly have been given by the Court for sale of the vessel as perishable, the proceeds to be delivered to the Governor at the disposal of the Crown:—but a sentence of condemnation, which, according to your own opinion, was not borne out by the evidence adduced, should, by all means, and at all other hazards, have been avoided.—It was your particular duty, and I feel confident you will never again lose sight of it, to decide conscientiously according to the Treaty, and to rely on the wisdom of the Legislature to provide a remedy for the inconveniences that might result therefrom.

I have expressed myself thus plainly upon the subject, not from any doubt of your proper feeling, but to guard you against similar errors in future, lest the difficulties of your situation should lead you to do that, which, not being pursuant to the Treaty and Act of Parliament under which you are appointed, may establish a precedent, encouraging British Officers to repeat a conduct so reprehensible, as that pursued in this instance by the Captor of the Rosalia.

I am &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone.

No. 15.

Mr. Secretary Canning to the British Commissioners at Sierra Leone.

GENTLEMEN, *Foreign Office, September 25, 1822.*

IN reference to your despatch of the 15th of December 1821, regarding the abuse practised by the Colonial Authorities of Spain, in the renewal of the Royal Licences formerly granted by the Spanish Government for carrying on the Traffick in Slaves; I send to you, for your information, the translation of a note, dated the 3d of June 1822, received by His Majesty's Minister at Madrid, from the Spanish Minister for Foreign Affairs; by which you will perceive, that His Catholick Majesty has sent out orders for preventing a repetition of similar abuses.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone.

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No. 16.

Mr. Secretary Canning to the British Commissioners at Sierra Leone.

GENTLEMEN, *Foreign Office, October* 25, 1822.

I have received your despatch, dated the 24th of July 1822, regarding the detention of the Spanish schooner, *Dichosa Estrella*, in which the attention of His Majesty's Government is called to the peculiar circumstances attending the shipment of the Slaves on board of that vessel, subsequent to her detention by His Majesty's ship Morgiana.

The case of this vessel so much resembles that of the Rosalia, upon which I had to convey to you the sentiments of His Majesty's Government in my despatch of the 25th of September, that I have on the present occasion only to refer you to that despatch, and to communicate to you, confidentially, the copy of a letter written under my directions to the Secretary to the Admiralty upon that subject, so as to serve for a guide to you in as far as your judgments may have to bear upon the point in question, in future cases. I also send you the answer which has been received at this Office from the Admiralty.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone.

(First Inclosure in No. 16.)

Joseph Planta, jun. Esq. to J. W. Croker, Esq.

(Confidential.)

SIR, *Foreign Office, Sept.* 30, 1822.

IN reference to your letter of the 7th of March 1822, upon the subject of the capture of the schooner *Rosalia*, by Lieutenant Hagan, of the gun-brig the Thistle, I am directed by Mr. Secretary Canning to send to you, confidentially, for the information of the Lords Commissioners of the Admiralty, the copy of a despatch from His Majesty's Commissioners at Sierra Leone, dated March the 17th; and of one, which, by His Majesty's command, Mr. Canning has addressed to His Majesty's Commissioners at that Settlement, upon the subject in question: and I am to request, through you, their Lordships' attention to this instance of the great misconception of the powers given to the commanders of His Majesty's ships, for enforcing the provisions of the Slave Treaties, and to the mischiefs which may result therefrom, unless due caution be exercised by His Majesty's Officers engaged upon this service.

There can be no doubt that Lieutenant Hagan transgressed the bounds of his duty, in making himself instrumental to the shipping the Slaves, or the holding them in captivity, for an instant, though for the purpose of affording an occasion of seizure: and their Lordships will feel that, while it was the object of the Treaty to simplify the remedy against illegal Slave Trade, by the exclusion of loose and interested suspicions on the part of seizors, and thereby also to prevent cavils and objections, and the danger of disagreements between the two Governments, the objects of the High Contracting Parties are likely to be defeated, by a conduct on the part of His Majesty's Officers, similar to that pursued in the present instance by Lieutenant Hagan.

Under these circumstances, it will be for their Lordships to give such instructions as they shall think proper to the Officers under their controul, employed to carry the Treaty into effect, with a view to avoid these experimental seizures in future.

I am, &c.

J. W. Croker, Esq. (Signed) J. PLANTA, JUN.
&c. &c. &c.

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(*Second Inclosure in No.* 16.)

J. W. Croker, Esq. to Joseph Planta, jun. Esq.

SIR, *Admiralty Office, October* 15, 1822.

HAVING laid before my Lords Commissioners of the Admiralty your confidential letter of the 30th of last month, with the papers which accompanied it, respecting the circumstances under which the Spanish schooner *Rosalia* was detained on the 11th of January last, in the Rio Pongas, by Lieutenant Hagan, of His Majesty's gun-brig Thistle; I am commanded by my Lords to acquaint you, for the information of Mr. Secretary Canning, that their Lordships have directed the Officer commanding His Majesty's squadron on the Coast of Africa, to convey to Lieutenant Hagan their decided disapprobation of his conduct on the occasion alluded to; and to issue such instructions to the commanders of the several vessels under his orders, as may prevent the repetition of such a proceeding.

And my Lords have stated the circumstances of the case to the Lords Commissioners of His Majesty's Treasury, with a suggestion, whether there are not means to prevent Lieutenant Hagan's enjoying any advantage by his irregularity.

I am, &c.

Joseph Planta, jun. Esq. (Signed) J. W. CROKER.
&c. &c. &c.

No. 17.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received May 10*th*, 1823.)

SIR, *Sierra Leone, Dec.* 10*th*, 1822.

WE have the honour to inclose for your information an abstract of the case of the Spanish Slave-trading schooner, *Josefa, (alias Maracayera,)* detained on the 19th of August 1822, off Bonny, in lat. 3 N., lon. 6, 35 E., by His Majesty's ship Driver, Captain Wolrige.

The Josefa arrived at Sierra Leone on the 28th of September; and on the 5th of October she was condemned as lawful prize to the crowns of Great Britain and Spain, and the Slaves belonging to her were emancipated: they were one hundred and eighty-three in number.

Any matters connected with this case that appeared worthy of particular notice are made prominent in the abstract enclosed so as not to require that we should trouble you with the repetition of them here. It seems, however, to be a mere ordinary case of Spanish illegal Slave Trade.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Right Hon. George Canning,
&c. &c. &c.

(*Inclosure in No.* 17.)

Abstract of the Case of the Spanish Schooner JOSEFA, (alias Maracayera) *Joseph Moyano, Master.*

THE Spanish schooner Josefa, (alias Maracayera) Joseph Moyano, master and part owner, was taken on the 19th of August, off Bonny, in lat 3 N. long. 6, 35 East, by His Majesty's ship Driver, Captain Wolrige. She had on board at the time of capture two hundred and sixteen Slaves.

The Josefa sailed from the Havannah, on the 16th of April, with papers for a voyage to the Coast of Africa, for objects of legitimate commerce; ivory and wax, gold-dust and palm oil, are mentioned among the articles for which the Master was to trade.

The passport is indorsed with an express prohibition against taking any slaves from the coast, under the most severe penalties of the Royal Orders, and of the Articles of the Code.—This passport had been originally issued to Juan Bautista Zavala, for a similar voyage, accompanied with

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similar conditions, on the 11th of August 1821. It was renewed in favour of the new Captain, Joseph Moyano, by a note dated the 9th of April 1822.

Another schooner, named the Galga, left the Havannah in company with the Josefa, apparently for the same destination; but having become leaky soon after putting to sea, she was obliged to make the best of her way for Charleston in order to repair. A considerable number of other vessels sailed at the same time under convoy of a French frigate, but it does not appear that any other but the Josefa and the Galga were destined for the Coast of Africa.

The Josefa came in sight of the coast a little to the northward of Sierra Leone, on the 25th of May: on the 26th and 27th, she was in sight of Sierra Leone. She passed on the following days by the shoals of St. Anne: on the 31st of May she was off Cape Mount.

On the 4th of June she came to an anchor in Gallinas roads, where the Captain went on shore with patterns of his goods, but not succeeding in his efforts to establish a trade, probably on account of the full occupation of the market by a French brig and shooner, to which another schooner of the same nation was added in a day or two after, the Josefa sailed again on the 8th. Passing down the coast, the Master landed again at Grand Bassa, and subsequently at Trade Town, where it was found, according to an entry in the log-book, impracticable to hold the trade. One or two schooners, apparently French, were hovering off these places. From Trade Town, the Josefa ran directly to Bonny, where she anchored on the 30th of June; arrangements for obtaining a cargo of Slaves were commenced on the first days of July, and continued until the sailing. On the 21st of July, the boats of His Majesty's ship Driver visited the Josefa, and Lieutenant Saumerez endorsed a note of the visit on her principal papers. On the 17th of August, every thing was in readiness. On the morning of the 18th, the Slaves were embarked and the vessel sailed. On the same day she was seen and chased by the Driver, and was taken by that vessel on the morning of the 19th. On the 28th of September, the Josefa arrived in the harbour of Sierra Leone, and the Marshal of the Courts of Mixed Commission visited her in pursuance of a general Order of the Commissioners, made with a view to ascertain, at the earliest possible moment, the actual condition of the negroes, in order that appropriate relief may be afforded without delay, in every instance in which the state of these victims of unfeeling and criminal avarice should render such relief necessary.

The report of the Marshal gave the Court to understand, that the vessel had lost thirty-two Slaves in her passage to this port, and that of one hundred and eighty-three who remained on board, twenty-six were labouring under various disorders.

This report was immediately followed by an affidavit from the Prize Master, Mr. Lane, stating, in addition to the circumstances mentioned in the Marshal's report, that the negroes were affected with that fatal desperation which so often impels Africans on board of Slave ships to throw themselves into the sea, and to adopt other means of self-destruction. A petition for the immediate landing was dispatched without delay. His Excellency, Governor MacCarthy, having on similar information from the captors, given corresponding orders, the landing was carried into effect at six o'clock on the ensuing morning, and very soon after that hour the negroes were conducted to Regent Town, by settled residents of their country, whose conversation had already relieved them from their terrors and put a stop to their desperate designs of self-destruction.

The Master of the Josefa had been, at his particular desire, allowed to leave the vessel and to go to Prince's Island, on account of the reduced state of his health; the witnesses examined were Juan de Sierra, the second Mate, and Joze de Zabala, the third Mate, both of whom declared that the whole of the Slaves on board at the time of capture, were embarked at Bonny.

The facts of this case being so clearly in violation of the Treaty between Great Britain and Spain, the Commissioners, without any remarks, adjudged the vessel to be condemned as a lawful prize to the two Crowns, and the Slaves on board of her to be emancipated.

The Slaves on board the Josefa were all males, and with the exception of a very few, all full grown men. Mr. Gregory having questioned the second Mate concerning the cause of this extraordinary fact, the answer was that they were intended for the coffee plantations, for which males were better adapted.

The cause of not trading at Gallinas, was said to be the high price asked for the Slaves by the Chief at that place.

Some seamen belonging to the Vecua and Icanam, taken by Commodore Sir Robert Mends, had embarked on board of the Josefa, for a passage to the Havannah. They state that the French vessel left at Bonny by Sir Robert Mends sailed shortly after with a cargo of Slaves: another French vessel arrived subsequently. No Spanish vessel had been at Bonny since the capture of the Vecua and Icanam, until the Josefa arrived there.

With reference to the short stay made by the Josefa, and her touching in the same transient manner at all the Slave-trading stations along the coast as far as Trade Town, whence she ran for Bonny, Mr. Fitzgerald has been informed by the traders of the Colony who resort to the Gallinas, that Spanish Slave trading vessels do not remain at that or at the neighbouring stations unless they can make arrangements to secure an immediate supply of Slaves. Their practice is to run along the coast, trying every place in succession, and not to remain stationary until they find a place where they can be suited. The Slave Traders conceive that they, in this manner, avoid the exposure to the cruizers which must be incurred when the Slave Trading vessels remain off a Slave market of slow and tedious influx from the country, and when they come to one where the factories are full, they all calculate on getting clear off before they shall be discovered.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

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No. 18.

Mr. Secretary Canning to the British Commissioners at Sierra Leone (and those at the Havannah.)

GENTLEMEN, *Foreign Office, May* 16, 1823.

IN reference to the instructions conveyed to you by the late Marquess of Londonderry in his despatch of February 19, 1819, inclosing copies of the Treaty concluded at Madrid, September 23d 1817, for preventing illegal Slave Trade; and, in reference to subsequent correspondence, regarding a proposed extension of that Treaty, I now furnish you with ten copies of certain Articles, explanatory of, and additional to that Treaty, which were signed at Madrid on the 10th of December 1822, between the Plenipotentiaries of His Majesty and of the King of the Spains, duly authorized to that effect.

You will consider these Articles as binding upon you, for the guidance of your conduct, in giving effect to His Majesty's intentions in regard to the stipulations therein recorded.

I am, &c.
(Signed) GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone and the Havannah.

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SIERRA LEONE.---*(Portugal.)*

No. 19.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received July 21.)

My Lord, *Sierra Leone, March 15, 1822.*

WE have much satisfaction in being enabled to acquaint your Lordship, that the instructions conveyed in your Lordship's despatch of the 30th of October 1821, (received the 29th of January 1822), intimating, that the Mixed Courts should be considered as open to all persons, whilst the Commissioners are engaged in the exercise of their judicial functions, have been fulfilled in the British and Portuguese, as well as in the British and Spanish Mixed Court.

Although the absence of immediate judicial business rendered the duty less pressing in the Portuguese Court, we lost no time in making the proper communication on the subject to Mr. Altavilla, verbally in the first instance, and subsequently by letter, of which we have the honour to inclose a copy. Mr. Altavilla expressed a feeling of difficulty in consequence of having referred this point to his Government.

On receiving the duplicate of your Lordship's letter of the 30th of October, containing a postscript with reference to certain documents in the printed correspondence, indicating dispositions on the part of the foreign Powers engaged in the Mixed Commission Treaties to comply with the desires of Great Britain on these heads, we availed ourselves of the opportunity to strengthen our representation to Mr. Altavilla by these authorities; and when, on the 2d of March, the Portuguese schooner Conde de Villa Flor was brought in for adjudication, we took the liberty to employ those instances for immediate compliance with the object of your Lordship's desires which the occasion required.

Mr. Altavilla favoured us with the very satisfactory answer, a copy of which accompanies this despatch.

A preparatory sitting was holden on the 5th of March, at which a Minute of Court was passed declaring the sittings open; a copy of this Minute was affixed in front of the Court, and an official notification was made to Governor Sir Charles MacCarthy, a copy of which notification, with a copy of his Excellency's answer, we inclose.

In pursuance of these arrangements, the Registrar proceeded, with open doors, to take the depositions in the case of the Conde de Villa Flor, on the 6th of March, and following days; and on the 13th instant the opinions of the Commissioners in the case were delivered in judgment in open Court.

We trust that the course pursued by us in these matters, will be approved by your Lordship.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

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(*First Inclosure in No.* 19.)

The British Commissioners to the Portuguese Commissioner.

SIR, *Sierra Leone, February* 1, 1822.

IN pursuance of instructions received from His Majesty's Government, having for their object to cause the Courts of Mixed Commission, established in this Colony for the prevention of illegal Traffick in Slaves, to be open to all persons when the Commissioners are engaged in the exercise of their judicial functions, we have the honour to invite you to concur in an order and declaration to that effect, in the instance of the British and Portuguese Court.

We, at the same time, have the honour to request your attention to pages 106, 134, and 161, of the volume of printed papers which accompanies this, in which pages you will see the opinions of your own Court, and those of the other Courts connected with the Mixed Commissions, decidedly expressed, in coincidence with the wishes of His Britannick Majesty's Government on this subject.

We have the honour to be. &c.

J. Altavilla, Esq. (Signed) E. GREGORY.
&c. &c. &c. EDWARD FITZGERALD.

(*Second Inclosure in No.* 19.)

The Portuguese Commissioner to the British Commissioners.

(Extract.) *Sierra Leone, March* 5, 1822.

MR. ALTAVILLA presents his compliments to Messrs. Gregory and Fitzgerald, and, in answer to their note, begs leave to state, that he deferred answering their communication, in the hope of receiving some instructions from his Government, on the subject of opening the Court of Portuguese and British Commission; but, as none has arrived, Mr. Altavilla is not aware of any objection that can be made to the opening of the Court, and, therefore, coincides in the wish to render the sittings of the Mixed Court open to all persons, when the Commissioners are exercising their judicial functions.

(*Third Inclosure in No.* 19.)

The British Commissioners to Governor MacCarthy.

SIR, *Sierra Leone, March* 5, 1822.

WE have the honour to inform your Excellency that, in pursuance of instructions received from His Majesty's Government, having for their object to cause the Courts of Mixed Commission, established in this Colony for the prevention of illegal Traffick in Slaves, to be open to all persons, when the Commissioners are engaged in the exercise of their judicial functions; the order, of which a copy is inclosed, was passed this day in the British and Portuguese Court of Mixed Commission.

Some new arrangements and additional appointments of officers being necessary to the transaction of the business of the Court in an open state, we have the honour to communicate to your Excellency the following nominations: Charles Borrett, Esq, Marshal; Mr. Edward Beck, Deputy Marshal; William Forbes, Tipstaff; Abraham Hazley, Court Keeper.

We beg leave to request that your Excellency will be pleased to order that these appointments be publickly made known in the Colonial Gazette; and, as the object of the publicity of these appointments is to cause the officers so appointed to receive the necessary facilities in the performance of their duties; we further beg leave to request that your Excellency will enjoin all, and every, His Majesty's subjects, to be aiding and assisting to the persons herein named, in the exercise of their official duties.

We have the honour to be, &c.

His Excellency Brig.-Gen. Sir Charles M'Carthy, (Signed) E. GREGORY.
&c. &c. &c. EDWARD FITZGERALD.

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(Fourth Inclosure in No. 19.)

Order of the Court.

Sierra Leone, March 5, 1822.

British and Portuguese Court of Mixed Commission, Sierra Leone.

Before Edward Gregory, Esq., His Britannick Majesty's Commissary Judge; Edward Fitzgerald, Esq., His Britannick Majesty's Commissioner of Arbitration; and J. Altavilla, Esq., His Most Faithful Majesty's Commissary Judge.

Present Jas. Woods, Esq. Acting Registrar. Tuesday, March 5th, 1822.

ORDERED.—That this Court shall henceforth be considered as open to all persons, when the Commissioners are engaged in the exercise of their judicial functions.

By order of the Court,
(Signed) JAMES WOODS,
Acting Registrar.

(Fifth Inclosure in No. 19.)

Governor MacCarthy to the British Commissioners.

SIRS, *Government House, Sierra Leone, March 8, 1822.*

IN answer to your letter of the 5th instant, received yesterday, transmitting a copy of an order which had passed on that day in the British and Portuguese Court of Mixed Commission, and stating that new arrangements, and additional appointments of Officers, being necessary to the transaction of the business of the Court in an open state, and communicating to me the nomination which had taken place accordingly: I have the honour to state, that, agreeably to your wishes, I shall order that their appointments be made known in the Gazette, and that I shall direct all His Majesty's subjects to be aiding and assisting the persons named in your letter, in the execution of their official duties.

I have the honour to be, &c.

E. Gregory, Esq. and The Hon. E. Fitzgerald. (Signed) C. MAC CARTHY

No. 20.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received June 21.)

MY LORD, *Sierra Leone, March 20, 1822.*

FOR your Lordship's earliest information, in a case of the utmost importance to the interests of the Treaties with Portugal for preventing illegal Slave Trade, we expeuite by this opportunity the opinions delivered severally by us in the judgment pronounced upon the Portuguese schooner, *Conde de Villa Flor*, on the 13th instant, in open Court.

The visible fact of a full cargo of Slaves on board of this vessel, and the interested participation of the Governor of Bissao in the property and embarkation of that cargo, were, upon due consideration, regarded by us as sufficient, and indeed as indispensable, grounds for a judgment of condemnation, notwithstanding the distinct breach of the prohibition contained in the second Article of the Instructions to ships of war employed under the Treaties; that, "No merchantmen or Slave ship can, on any account or "pretence whatever, be visited or detained whilst in the port or roadstead "belonging to either of the two High Contracting Powers, or within cannon-"shot of the batteries on shore."

Mr. Altavilla concurred in the condemnation, with a reservation which he did not fully explain, announcing the intention of placing a written statement in the hands of the Registrar.

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We trust that this decision will be sanctioned by your Lordship's approbation.

The case has, however, excited much discussion here; and we have reason to think that some degree of uncertainty still prevails among all parties concerned as to the ultimate issue, not merely in the particular instance, but in respect to the correct understanding to be established in consequence, upon the main points which the case involves.

We are, therefore, extremely anxious that the case should have the advantage of your Lordship's consideration before any further seizure should be brought under our view, attended with similar circumstances of locality, without the same countervailing facts of illegal Slave Trade, and criminal participation on the part of the highest Local Authorities.

The papers found on board the Conde de Villa Flor were very numerous and very important, comprizing not only documents clearly manifesting the history and character of this voyage, but of other voyages also of this and of other vessels; constituting in fact a complete developement of the system of fraud against the Treaties carried on by combined operations, of which the Settlements of Bissao and Cacheo are the principal scenes.

A selection of the most material of these documents will be despatched by the earliest ensuing conveyance.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(*First Inclosure in No.* 20.)

MR. GREGORY's opinion, pronounced in judgment on Wednesday the 13th of March 1822, on the case of the Portuguese brigantine, *Conde de Villa Flor*, Manoel Antonio da Silva Brandao, Master, detained on the 21st of February 1822, by the boats of His Majesty's ship Iphigenia, commanded by Lieutenant St. John Mildmay, acting under orders from Commodore Sir Robert Mends, and prosecuted in the British and Portuguese Court of Mixed Commission, on a charge of illicitly trading in Slaves in the river of Bissao to the North of the Equator.

The case of this vessel is of a nature which, whilst it gives us reason to lament the obstinate depravity that has been the cause of its being brought before this Court, gives us ground to hope that the nefarious practices which have been brought to light, in the evidence now before the Court, and in the letters found on board, which are under our view, will be the occasion of the punishment of those who have, in this case, offended the laws of God and of their country, and will be the means by which the illicit Slave Trade will be checked in a Quarter where it has hitherto been carried on with impunity.

This vessel sailed from Pará, in the Brazils, in the month of July last, with a professed destination for the Cape de Verd Islands, and Cabinda. She arrived at Saint Antonio, and at Saint Jago; at the latter Island she remained about a month, and then proceeded, not for Cabinda, but for Bissao. The Cabinda of M. Brandao, as appears by his papers, is Bissao; and it is worthy of remark that his Brazil associates in the trade have the same idea of the situation of the former place, one of them in an account of Slaves sold at Pará in March 1821, for Brandao, stated them to have been brought from Cabinda, whereas it appears they had been brought by Brandao from Bissao.

At Bissao the cargo was landed, and the Master busily employed himself in the collection of Slaves. At the time of the detention of the schooner the Master had collected what he would term his cargo. The unfortunate beings who formed this cargo, appertained, some of them to the Master, some of them to private persons of Bissao, and some to the Governor of Bissao.

The letter that I have now before me, is addressed to Brandao by a man named Antoine Leger; it is dated Bissao, the 21st of January 1822; an extract from it is as follows:—

"On the present occasion I have embarked on board your brigantine, Conde de Villa Flor, "six assorted pieces (pessas) of this place; their value is one hundred thousand reis each, and they "are consigned to you that you may do me the favour to sell them at your destination to the best "of my interests."

There is also the copy of what appears to have been a letter addressed by Brandao to the Governor of Bissao, Luis Freire de Andrade; it is dated at the time that the schooner was about to depart from Bissao, and is to the effect, that Brandao had received on board ten pieces (pessas) belonging to the Governor, which he would dispose of to the best advantage.

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The word pieces (pessas) is explained by the word Slaves, in an entry or account that was made of some Slaves belonging to Leger, that were taken on board of the schooner. These Slaves were entered with the mark by which Leger described his pieces.

Besides the Slaves taken by the Master at Bissao, some were taken by him at the Cape de Verd Islands. And some, it would appear, were to be delivered to Brandao at Bissao, for account of persons at those Islands. The following is an extract from a letter, dated Villa de Praga, the 11th of November 1821, addressed by Francisco Cardozo de Mello to Brandao:

"My friend, should my cousin, Senhor Pedro Souberve, deliver to you some logs of blood-"wood (paos de sangue) on my account, I hope that you will do me the favour to receive them, "and to take them with you to Maranham, or whithersoever you may proceed with your own; "that you will take them under your own consignment, and do with them as if they belonged to "you; and that on your return you will bring me their value in metal, or in goods upon which "something may be gained here. In short, I expect that you will act as if they were your own; "and I have only to add my hope that you will give me the opportunity of serving you."

After the explanation of the word pieces, I need scarcely explain what the term blood-wood means. It is apparent that by this term was meant, not logs of inanimate substances, but bodies of human beings, they being to be added to the stock of human beings that Brandao was to collect for his own account.

Another letter, dated Villa de Praga, the 8th of November 1821, is addressed by Antonio José Silva to Brandao; it is as follows:—

"My friend, wishing to avail myself of your generous and sincere offer, I take the liberty to "send by the present opportunity of the sloop, commanded by Senhor José Bernado Alfama, "and under his care, one, who is my carpenter, Francisco by name, in order that you may do me "the favour to take him whither you may be destined for my account and risk; and that you will "sell him as a thing belonging to yourself, or to your friend. I remain under an obligation for "his freight, and all other expences that you may incur on his account."

The Master had collected the number of Slaves that the schooner was to carry, had 171 of them on board, and was about to depart from Bissao, when, on the night of the 21st of February, the Conde de Villa Flor was boarded by boats sent from His Majesty's ship Iphigenia, under the command of Lieutenant Mildmay, who, on perceiving that there were Slaves on board, detained the schooner.

The declaration of Lieutenant Mildmay is to the effect, that he detained the Conde de Villa Flor in the river Bissao for illicitly trading in Slaves.

Were the illicit Slave Trade that was carried on by the Conde de Villa Flor the only point in question, the present case would have been decided on the conclusion of the examinations of the crew; but another point, when those examinations had been gone through, arose upon the answer of Sebastiano Marques de Carvalho to the 9th interrogatory. Carvalho said, that "the vessel was "at anchor at the time of the capture under the fort."

The question of whether this vessel could suffer the forfeit of her Master's illegal acts, under the circumstance stated by Carvalho, was to me a question for consideration, and I trust, in consequence of the novelty of the case itself, that I shall not be deemed to have been dilatory in forming an opinion upon it.

To the depositions of Carvalho have been added the depositions of Lieutenants Mildmay and Stokes, which do not contradict the statements of Carvalho. These gentlemen depose, the first that "he does not know whether the schooner, or brigantine, Conde de Villa Flor, was within cannon-"shot of the fort at Bissao; that it was about half-past eleven o'clock at night, and quite dark, "when he boarded the schooner; and that he does not know where the fort of Bissao is situated." The second gentleman deposes, that "he cannot tell whether the Portuguese brigantine, Conde "de Villa Flor, was within cannon-shot of the fort at Bissao, at the time of her detention, not "knowing the situation of that Place, nor even that there is a fort at Bissao."

On the uncontradicted evidence of Carvalho I am required to pronounce my opinion on this case. On the one side is a gross violation of the letter and of the spirit of the Convention, on the other side is an Article of the same Convention, which forbids the detention of Merchantmen or Slave-ships, on any account or pretence whatever, whilst in the port or road-stead belonging to either of the two High Contracting Powers, or within cannon-shot of the batteries on shore.

The opinion that I have formed will not be given upon a solution of the abstract principles of the point in question, for the application of these principles to the present case may be more properly left to the High Authorities in Europe, but my opinion will be given upon a view of the peculiar circumstances of the case itself.

Here is a vessel that has consummated an act that violates the very purpose for which the Convention was framed. Here is a man, the Master of a vessel, who has outraged the laws of his country, who has outraged the laws of God, by a series of systematic and deliberate actions of iniquity.—Here, I regret to say, is a person, the Governor of Bissao, more culpable than the wretch Brandao, who had neither character to lose, nor dignity of situation to support, because, so far from opposing these actions of iniquity, he, the Governor, is the foremost to encourage, to assist, and to join in their execution.

There is no claimant in this case. Shall I then, when these actions obtrude themselves upon me, take upon myself to favour the Master, by rigidly deciding according to the abstract merits of this case? Shall I take upon myself to decide according to strict points of national law, and place myself in the situation to favour a man whose crime is as glaring as it is iniquitous? I shall not, for in the present case I am disposed to give to the second Article of the Instructions, intended for the British and Portuguese ships of war employed to prevent the illicit Traffick in Slaves, the most

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liberal and enlarged construction that that Article will admit of. I am disposed to think, that, as a breach of trust, in a person who should be invested with supreme authority in a Colonial Settlement or Possession, never was contemplated by the framers of the Convention, so that breach of trust will be deemed a sufficient warranty for the detention of illicit Slave traders. In the cause of African freedom, in the cause of humanity, such a case as the present, I conceive, will not be adjudged by the strict principles of the independence of Nations, but it will be thought that extraordinary conduct may demand extraordinary measures. This I say with due deference to higher Authorities.

In my opinion this is a case for condemnation; I therefore say, that the Conde de Villa Flor should be condemned as prize to the Crowns of Great Britain and Portugal, for illegally trading in Slaves, and that her Slaves should be emancipated.

(Signed) E. GREGORY.

(*Second Inclosure in No.* 20.)

Case of the Conde de Villa Flor.

THIS vessel was taken in the night, between the 21st and 22d of February 1822, by the boats of His Majesty's ship Iphigenia, commanded by Lieutenant St. John Mildmay, acting under orders from Commodore Sir Robert Mends.

The vessel was taken in the river of Bissao in lat. 11 deg. 47 min. N. She sailed under Portuguese colours, and was the property of a Portuguese subject named Manoel Antonio da Silva Brandao, who acted also as Master. She had on board a full cargo of 171 Slaves destined to be sold at Pará, in Brazil, for the benefit of their respective owners, of whom, as it appears by the answers of the first Mate, Diego de Hoyos, to the 13th standing interrogatory, the Governor of Bissao was one. The fact of that Governor having shipped some of the Slaves, is confirmed by entries in the written memoranda of the shipments of the Slaves, and by other written documents found on board of the vessel.

No claim has been given. The embarkation of these Slaves, and the destination and objects connected with it, are in the ordinary course of the illegal Traffick in Slaves, which the Treaty and the Convention between Great Britain and Portugal were designed to prevent.

No doubt or question could arise respecting the liability of this vessel to condemnation for violating the Treaty and Convention, if the circumstances of the Place in which the capture was made did not interfere with the judgment, and claim prior and peculiar consideration.

The vessel was taken in the river of Bissao, an ancient and well known Settlement of the Portuguese nation. The second Mate, Carvalho, says, in his answer to the 9th standing interrogatory, that the vessel was at anchor at the time of capture under the guns of the fort. This statement is not contradicted by the answers of the capturing Officers to the special interrogatories put to them upon these points. These answers go merely to shew that these Officers were disabled, by the state of the night, from ascertaining the point in question with any degree of precision. The fact may therefore be taken to be as stated by Carvalho.

This brings the case to that particular exception contained in the second Article of the Instructions intended for the British and Portuguese ships of war employed to prevent the illicit Traffick in Slaves which instructions are annexed to the Convention, and, by the twelfth Article of that Convention, *form an integral part thereof*.

The second Article of the Instructions for British and Portuguese ships of war is in these words:

"No merchantman or Slave-ship can, on any account or pretence whatsoever, be visited or detained whilst in the port or roadstead belonging to either of the two High Contracting Parties, or within cannon-shot of the batteries on shore. But in case suspicious vessels should be found so circumstanced, proper representations may be addressed to the Authorities of the Country requesting them to take effectual measures for preventing such abuses."

According to this Article, the Conde de Villa Flor has been irregularly detained and taken; but the question now is, whether that irregularity deprives the British and Portuguese Court of Mixed Commission of its jurisdiction in the case.

It appears that this Article was framed in the confidence which an honourable Government had, that a corresponding sense of honour would be found in the Authorities of its Colonies, so that not even a *suspicious* vessel could be found in any port or roadstead belonging to any of those Colonies, without a certainty that *upon proper representation to the Authorities of the place, effectual measures would be taken to prevent such abuses.*

If this case came before the Court merely as a case of suspicion, however strong that suspicion might be, it is probable, indeed I may almost say it is certain, that this Court, imbibing the honourable confidence upon which the second Article of the Instructions to British and Portuguese ships of war is founded; and giving to the Governor of Bissao full credit for a disposition to fulfil the obligations of the Treaties of his Sovereign, and to uphold and maintain the laws of his country, with the good faith due to his exalted station: — It is probable, almost to very certainty I may say, that this Court would decline proceeding to judgment under these circumstances, and would refer the business to the Governor, and to the legal Authorities of Bissao, with a full assurance that justice would be done by them. Such a case of suspicion of the strongest kind properly to be referred to the jurisdiction of the local authorities, may be supposed to exist in the con-

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tingency of only a very small number of Negroes being found on board, without any circumstance of connexion with those Authorities; and a question being raised, whether those Negroes were embarked for the purposes of traffick. Under the same circumstances of locality of detention, that, or any similar indifferent case, might be deemed such a one as would be, in strict propriety, to be referred to the local Authorities of the place of detention.

The third Article of the same Instructions makes provision for a departure from the strict observance of the second Article, under particular circumstances. The words of the third Article are these:—

"The High Contracting Parties having in view the immense extent of the shores of Africa to the "North of the Equator, along which this commerce continues prohibited, and the facility thereby "afforded for the illicit traffick on Points where either the total absence, or at least the distance of "lawful Authorities, bar ready access to those Authorities; in order to prevent it, have agreed, for "the more readily attaining the salutary end which they propose, to grant, and they do actually grant "to each other the power, without prejudice to the Rights of Sovereignty, to visit and detain, as if "on the high seas, any vessel *having Slaves on board*, even within cannon-shot of the shore of their "respective territories on the continent of Africa, to the North of the Equator, in case of there "being no local Authorities to whom recourse could be had, as has been stated in the preceding "Article. — In such case vessels so visited may be brought before the Mixed Commission in the "form prescribed in the first Article of the preceding Instructions."

In the construction of this Article, with reference to the present case, there might be some room to consider a Colony, the Governor of which is glaringly implicated in the illicit Traffick in Slaves, in the immediate instance in question, in the situation of a Colony, or Place, having no local Authorities "to whom recourse could be had, as stated in the preceding Article." But I have been led to form my opinion on a more general view, comprehending the whole of the case as it now stands.

This case comes not as a case of strong suspicion merely; it comes at the same time as a case of glaring fact, of undeniable proof, and of full conviction. The offence of illegal Slave-trading is evident on the view; and is established, upon investigation, by the written documents found on board the vessel, and by the oral testimony of the principal individuals of the crew now on board, including the first and second Mate, in their answers to the standing interrogatories.

It is still further proved, by the same written documents, and by the same oral evidence, that the Governor of Bissao is himself an interested participator in the illegal embarkation, a certain portion of the Slaves being his property, some of them being entered in the memoranda as shipped and received from his official residence, as if all sense of decency was cast off from the Government-house of the Settlement. Other inhabitants of the place are also concerned, some of them to a very considerable amount.

With this full conviction; with the Slaves thus illegally embarked standing before the eyes of the Court; with the written proofs and the testimony of present witnesses to the illegality of the embarkation: can this Court be bound to decline exercising jurisdiction, and to remit the cause to the Governor of Bissao, a convicted participator in the offence—to be judged by him, or by those associated in authority with him, probably associated also in this very transaction, and equally interested in frustrating the course of justice upon it?

It appears to me that such a mode of proceeding would be not only inconsistent with reason and justice, but wholly repugnant to common sense, and altogether absurd.

This case, regarded distinctly from the local considerations arising out of the Place in which the capture was made at Bissao, is a case in which it would be the unquestionable duty of the Commissioners to pronounce judgment of condemnation.

Considering the manner in which the Governor of Bissao is implicated, as well as other individuals of property and apparent consideration in that Settlement, I deem it not merely a matter of fairly assumable right, but a matter of absolute duty, to pass over all regard to the station and authority of that Governor in this case, and to condemn this vessel, as if his name, and that of the Colony over which he so unworthily presides, had never come before the Court in connexion with her, farther than for the purpose of being marked with merited reprobation.

If the Person or the Place be regarded, either in the view of a claim to privileged exception from the application of the rigorous provisions of the Treaty and Convention, or as having a right of privileged and exclusive jurisdiction over all supposed violations within the range of their local authority, they are in both views equally disentitled in this case. Their privileges under the Treaties are, in this instance at least, forfeited by their gross and obvious violations of those Treaties.

Some irregularity will, as a matter of course, be found in this decision by those who may be disposed to infer, from the circumstances of the detention in the first instance, as being contrary to the Treaty, in the departure from the restriction contained in the second Article of the Instructions for British and Portuguese ships of war, that every proceeding, founded upon that detention, must be consequently and progressively affected by that original vice. But in this respect there is only a choice of evils; for if this Court could allow itself to adopt the opposite course, that is, to decline the jurisdiction, and to remit the business to the Governor of Bissao, a much greater irregularity would be committed—an irregularity subverting one of the first principles of the administration of justice—*that no man shall be judge in his own cause.* By referring this matter to the Governor of Bissao, not only would a party be made judge in his own cause, but *a criminal offender would be made his own judge upon the offence which he had committed.*

This case is one upon which a special report of all the circumstances must be made to both the Governments concerned in the Treaty violated. It will be for them to decide whether the judgment has been formed with due regard to their reciprocal engagements and obligations; and if

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those Governments should be disposed to think, which I can hardly suppose, when I look to the obvious facts and the unquestionable proofs, establishing the embarkation of a full cargo of Slaves at Bissao on board of this vessel in violation of the Treaties, establishing also the guilty participation of the Governor of Bissao in that embarkation; if the Government should be disposed to think, which I can hardly suppose possible under the circumstances, that the fact of the detention, in opposition to the second Article of the Instructions to ships of war, ought to have made it imperative on the Court to dismiss the business from its jurisdiction, and to send it back to Bissao to be decided by the local Authorities; it may at least be confidently hoped that the principles upon which the present decision is founded, will be sufficient to avert reproach from a Court enjoined to decide, not merely according to the letter, but according to the spirit also of engagements, in the execution of which the High Contracting Parties profess a determination to discountenance all manner of fraud; for surely the gross frauds committed against the Treaty and Convention in this case would not be discountenanced if the case was sent back hence to be judged by those who committed them.

The first pages of these observations were written without any particular knowledge of the difficulties presented by the passages in the Instructions to ships of war, as considered in conjunction with the special circumstances of the case by some of the Members of the Court. It appears that these difficulties have arisen from an opinion of the propriety of severing the principal points which the case involves; and of investigating and deciding upon the regularity of the seizure and the legality of the detention distinctly and primarily, without any reference to the point of illegal Slave-trading, however glaring the fact, however gross the circumstances of the violation of the Treaty and Convention must be admitted to be in that respect. I do not think this severance practicable in point of fact, for the same evidence which shews that the vessel was taken under the fort of Bissao, shews, at the same time, that the Governor of Bissao, and some of the principal inhabitants, were interested participators in the illegal embarkation of the full cargo of Slaves found on board of her at the capture, and brought with her to this place for adjudication.

It is altogether impossible to divest ourselves of the knowledge of the illegal embarkation of the Negroes, and of the criminal participation of the Governor and of others of the Settlement in that embarkation, so as to be warranted or enabled to decide on the bare question of the local legality of the seizure without any reference to those other important parts of the case.

What is impossible cannot be required by justice and reason, even in matters comparatively indifferent. But here the matters which in that view would be to be left out of sight, are of the very essence of the justice which the Court of Mixed Commission is charged to administer under the Treaties; and instead of being required by any extraordinary effort to labour to place them out of view, which is impossible, the Commissioners ought always to be studious and careful to keep such facts before their eyes in every case in which they are found.

A fair and solid decision can be formed only upon the full view of the whole case; and upon the full view of this whole case that decision must be for the condemnation of the vessel, and for the emancipation of the Slaves.

The duty of this Court ends here, but the consideration of this case cannot end here; and if the irregularity of the capture in point of local circumstances shall give rise to particular discussions in higher Quarters, there cannot be a doubt that these discussions will extend to and embrace the atrocious criminality of the individuals connected with the illegal Traffick in Slaves, developed and substantiated in the documentary and oral evidence which came under view in the course of the investigation.

(Signed) EDWARD FITZGERALD.

No. 21.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received July 19.)

MY LORD, *Sierra Leone, April 30, 1822.*

AT the close of the proceedings in the case of the *Conde de Villa Flor*, we considered that the peculiar circumstances of the capture of that vessel, and the disclosures made by her papers, of the extensive illegal Slave Trade carried on at the Settlements of Bissao and Cacheo, with an active co-operation at the Cape de Verd Islands, rendered it a matter of duty to communicate to your Lordship, by a vessel then ready to sail for England, such information respecting the case as the limited extent of the time would admit.

We were sensible, at the same time, that larger details of the facts and circumstances connected with the case itself, and with the state of the Slave Trade in those Settlements, and copies of the principal documents by which the facts are authenticated, would be necessary to furnish your Lordship with the decisive information desirable in such an affair, and absolutely necessary for the

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authentication of it against the efforts which will, without doubt, be made by those implicated to create a disbelief of the shameful truths established against them.

We will not trouble your Lordship with the difficulties which arose on the first consideration of the case of the *Conde de Villa Flor*. After a full deliberation on the whole of the matters contained in the papers of the vessel, and in the oral depositions, we found that by exercising our jurisdiction the facts in their full extent and enormity would be established beyond the possibility of a question. The documents authenticating them would be indelibly recorded and placed beyond the reach of abstraction. The whole system of concerted evasion and infraction of the Treaties would be made notorious to the world in all its foulness; and the clearness of the conviction, as well as the magnitude of the offence, would raise an irresistible claim for immediate and satisfactory correction.

We could not hesitate to take this course. Mr. Altavilla was also of opinion, that the Court, under the particular circumstances, ought to exercise jurisdiction. The judgment considered appropriate to the case was therefore pronounced.

Mr. Altavilla expressed a wish that a memorandum should be made by the Court, against this case being considered as a precedent to authorize generally the detention of Portuguese vessels, placed as the Conde de Villa Flor was at the time of capture; but it was represented to him, that it would be best to leave to the higher Authorities the arrangement of any question that might arise upon the peculiar locality of the capture.

Mr. Altavilla further declared his determination to represent the conduct of the official persons, so improperly concerned with the Conde de Villa Flor, in stating the case to his government.

Your Lordship will see, in the papers which accompany this despatch, a proof of three successive Slave-trading voyages made by the Conde de Villa Flor between Bissao, Cacheo, and Brazil. The first in 1819-20; the second 1820-21; and the third towards the close of the year 1821, the return from which in 1822 was prevented, by the capture on the eve of her intended departure from Bissao.

In the first of these voyages a fabricated log-book was made out for the return, indicating a voyage from Cabinda. On the second return that log-book was copied and adapted to the new dates: no other alteration was made except in some slight variation of the ordinary remarks at the bottom of the daily page, so as to give an air of novelty upon a light inspection. There is no doubt that the same original would have been made to furnish materials for another transcript on the return from the third voyage, if the capture had not cut off the opportunity.

There are also genuine log-books for these voyages, which, although in some respects disguised, are by means of the latitudes and longitudes noted in the meridian observations, and by other unerring proofs, sufficiently indicative and precise in showing the real port of departure. The conveyance of a cargo of Slaves is expressly mentioned in the log-books professing the voyage to be from Cabinda.

The Master of the Conde de Villa Flor, named Manoel Antonio da Silva Brandao, was also the owner of the vessel; he not only traded in Slaves on his own account, as purchaser and proprietor, but he also took the Slaves of other persons on freight and commission, to be sold to the best advantage at the port to which he was bound. In one instance so small an adventure as a single Slave is committed to his care in this way.

The range of these transactions comprehended the Isles of Cape Verd as well as the Settlements of Bissao and Cacheo, and that of Geba also. The Signors Coutinho Lancastre, late Governor of the Cape Verde Islands, and

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Correia Barros, late Governor of Cacheo, are personally implicated, as well as the Signor Freire de Andrade, the present Governor of Bissao.

In the log-book for the last outward voyage, the professed destination is from Para to Cabinda, by the way of the Isles of Cape Verd (*com escala para Ilhas de Cabo Verde.*) It is probable that the prior voyages were in the same professed course. From the Isles of Cape Verd the ostensible track of navigation towards Cabinda would lead so nearly to Bissao as to permit that port to be entered without impediment, and probably also without notice. The objects of the co-operating traders may then be carried on conjointly at the Cape Verd Islands as well as at Bissao, by means of the constant facility of intercourse. For the return voyages fortune must have been trusted, and it appears was trusted successfully, until the arrival of the vessel in those seas, in which the fabricated log-book from Cabinda would be available.

The principle upon which these false log-books are fabricated, will be seen in the coincidence of the way made in every corresponding hour of each successive day of the pretended voyages; the observations of latitude are made to coincide equally. The fraud is obvious upon comparing one with the other. But without that comparison the one employed for the occasion may pass unsuspected.

The accesses to Bissao and Cacheo are extremely difficult and dangerous: they are practicable only for vessels of small draft of water; and even for these not without the aid of experienced pilots. The French schooner, La Suzanne, and the professed Swedish schooner, Joseph, were several times aground in their approaches to Bissao, and could not find the right channel until pilots came to their assistance. The inhabitants of the Bissagos Islands are, moreover, so extremely barbarous and savage, that the Portuguese of the neighbouring Settlements who know them are alone able to hold intercourse with them. The boat's crew of the Joseph sent to get a pilot from Bissao, being induced to land on one of those Islands to get a supply of water, were robbed of their boat and of their clothes; and the Master was under the necessity of ransoming them by the mediation of the Governor of Bissao. Some of the people of the French schooner underwent similar extremities.

There is reason to think that the Joseph would have taken in a cargo of Slaves at Bissao, if the market had not been pre-occupied and exhausted by the purchases to supply the Conde de Villa Flor, and the Apollo. La Suzanne, although large purchases of wax and ivory at the factories in the Bissagos appeared to prove the reality of an intention to deal innocently in articles of country produce, was not altogether unsuspected of a disposition to take Slaves if a favourable opportunity had occurred; the Master of her having recently been the commander of the noted Slave-trading vessel, named La Scholastique of Goree.

The local circumstances which have been mentioned caused Bissao to be regarded as a secure and unmolested seat for a covert and persevering Slave Trade. Besides the repeated voyages of the Conde de Villa Flor, the Apollo has been noted, in advices previously received in this Colony, as carrying on a regular Traffick in Slaves from Bissao and Cacheo by the intermediation of the Cape Verd Islands. The Apollo escaped immediately after the capture of the Villa Flor, carrying off her Slaves. She is represented to be a large vessel, capable of carrying a considerable number.

There is also found among the papers on board the Conde de Villa Flor the log-book of a voyage to Bissao in the Spring of 1821, by the schooner Bella de Dros. da Morgueiro, the property of Elias Coilho Centra of Pernambuco. This book attracted the notice of His Majesty's Commissioners in a particular manner, as the same person was owner of the Gaviao; and it was found that a person who was enrolled on the original list of the Gaviao as first Clerk (José Maria de Azevedo), but who, as it was stated in evidence,

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had left the Gaviao to go on board another vessel belonging to the same owner, acted in that capacity in this voyage on board the Bella de Dros da Morgueiro. No knowledge is furnished by those papers respecting the return voyage of that vessel: but there is every reason to believe that she carried back a cargo of Slaves.

We do not think it necessary to trouble your Lordship with any further detail of observations. The facts exhibited in the papers will themselves present to your Lordship, in a more satisfactory manner, the influences resulting from them, as well as the measures of reformation necessary to put a stop to the illicit Slave Trade, proved to be carried on by means of combined arrangements and co-operating parties, at the Cape Verd Islands, Bissao, and Cacheo, including persons holding the highest Stations, and principally charged with the maintenance of the laws of their country, and of the Treaties of their Sovereign in each of those Places.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(Inclosure in No. 21.)

Abstract of the Papers that were found on board of the Portuguese Schooner Conde de Villa Flor, ***at the time of her capture off the Fort of Bissao.***

IN May 1819, as appears by the letters No. 1. and No. 2. the schooner Boa Uniao, commanded by Manuel Antonio da Silva Brandao, was boarded by pirates nearly within sight of Para, into which port she was about to enter, and was taken from Brandao with the cargo that she had on board. Brandao and his crew were set on shore at a desert place at some distance from Para.

There is reason to believe that when Brandao was bereft of his vessel, he was on his return from the Coast of Africa (in all probability from his favourite haunts of Cacheo and Bissao) with a cargo of Slaves.

The memorandum, No. 3, shews that Brandao intended to proceed to the Cape de Verd Islands previously to the voyage in which he was captured, where a schooner named the Pomba Felix was to await his arrival. And the letter No. 4. further indicates this intention of Brandao to have been carried into effect. The writer of this letter, Dom Antonio Coutinho de Lancastre, Ex-governor and Captain-general of the Cape de Verd Islands, gives as the reason why Brandao did not go to Porto Praya, because he, Dom Antonio, had surrendered the Government to his successor, Antonio Pusich. The Ex-governor says in conclusion, that Brandao did right not to enter Porto Praya, as affairs were taking another turn, and there was much discontent in consequence. This letter further makes mention of some Slave-trading concerns of the writer with Brandao.

Pusich succeeded Lancastre on the 16th of December 1818. The memorandum No. 3. is dated Para, the 28th of May 1818. The Pomba Felix was to proceed to the Cape de Verd Islands to meet Brandao, after touching at the Western Islands, so that the arrival of Brandao at the first named Islands might have been calculated to take place at the close of the year 1818.

The paper No. 5 is a copy of the attestation alluded to in the letter No. 4.

In November 1819, Brandao purchased the schooner Conde de Villa Flor. Having loaded her with goods for the African market, he sailed in her from Para on the 1st of December, with a professed destination for the Cape de Verd Islands and Cabinda, as it is mentioned in one of the log-books of that voyage. But the Cabinda in this instance, as in every other that has come under the view of the Commissioners, was Cacheo.

The paper No. 6. shews that Brandao was at Cacheo in May 1820, and the extracts from his account-book, No. 7. and No. 8, shew that Brandao had dealings with the Governor of Bissao, Luis Freire de Andrade, and with another person whom he styles Captain. The papers found on board of the Conde de Villa Flor throw but little on this voyage. The system of false log-books, however, is shewn by two log-books relating to this voyage that were found with the other papers.

One of the log-books, written apparently by Brandao, states the voyage to be "from the port of "Cabinda to that of Para in the schooner Conde de Villa Flor with Slaves," that it commenced on the 4th of July 1820, and that the latitude from whence he, Brandao, took his "departure" was 5 deg. 37 min. South; Long. 13 deg. 4 min. East.

The other log-book appears to have been written by the Mate, Diego de Hoyos; it states that they weighed anchor on the 3d of July 1820; on the same day they saw Cape Roxo at the dis-

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tance of nine miles; the Cape is stated to be in lat. 12 deg. 12 min.; it is not said whether it is north or south latitude, but it must, of course, mean north, as Cape Roxo is laid down in Charts under the 12th degree of north latitude From Cape Roxo the Mate takes his "departure."

In September 1820, Brandao had returned to Para, as appears by the letter No. 9, that was addressed to him by one of his friends at Maranham, who hopes that the next voyage which Brandao intended to make, would be more advantageous.

The paper No 10, dated September 1820, may relate to the voyage which Brandao had just concluded. It is signed by Fernando José da Silva, the partner and associate of Brandao at Para, and expresses the disposal of 162 Slaves that had been delivered to Silva by Brandao.

On the 1st of October, as appears by a log-book, the Conde de Villa Flor, under the command of Brandao, sailed from Para for Cabinda. She is found to have proceeded to Cacheo as usual. The details of this voyage appear more fully than those of the preceding one, and the trading concerns of Brandao with the Governors of Cacheo and of Bissao, and with the subaltern Officers of the Garrisons of those places are brought to light.

The letter No. 11, dated the 31st of December 1820, is from the Governor of Bissao to Brandao, it betrays the Slave Trade that they were then carrying on.

The paper No 12, is an official note of, and receipt for goods that Brandao had delivered to the Royal Treasury of Cacheo on account of duties of entry and exportation. A sum of 72,000 reis is charged as a duty on goods received by the "Governor."

The number of Slaves that were on board on the 16th of April 1821, is shewn by the paper No. 13. And the memorandum No. 14 shews how some of these Slaves were to be disposed of at "the "port of his, Brandao's, destination" Two were to be given to the Judge; one to the Judge's Clerk, or serving man; one to the Cashier of "the Englishman;" two to the Governor's Secretary; and two to the neighbour of Brandao's cousin; some others were to be "given or delivered" to different persons whose stations do not appear.

The letter No 15, is from Porto Praya, and shews an intention on the part of the writer to engage in the Slave Trade with Brandao.

The accounts No 16 to No. 29, expose the traffi k that was carried on between Brandao and the Governors of Cacheo and Bissao, and with different subaltern Officers of those Settlements. The accounts with the two Governors clearly shew that they were the principal traders at those places; the account No 16, exposes a sale that was made by Brandao of four Slaves for the account of Jose Correia Barros, the Governor of Cacheo.

There are two log-books of the return voyage of the Conde de Villa Flor, one of them is dated from the 18th of April 1821; and the departure of the vessel is taken from the lat. of 11 deg. 28 m. North, which is about the latitude of the entrance of the river on which Cacheo is situated. The other log-book is dated from the 21st of April 1821; the "departure" of the vessel is taken from Cabinda in 5 deg 37 m South Lat.; it is, in regard to supposed solar and lunar, and other calculations, an exact copy of the log-book that was fabricated on the voyage from Cacheo to Para in July 1820; and in respect to the observations usually made on the weather, and on daily occurrences, these observations are often copies of the same fabricated log-book. It is by this means that the illicit Slave-trader may escape from those Authorities who are not willing to see more than the log-book of a Slave vessel, to satisfy themselves that they do not come from a part of the Coast of Africa where the trade in Slaves is prohibited But a little search, and perhaps but still less inquiry among the Slaves of a vessel, would shew it to have come from Places where the traffick is declared to be abolished. In May 1821, Brandao had returned from Cacheo as appears by the letter No. 30 of his friend at Maranham.

The account No 31, betwixt Brandao and his partner at Para, Fernando José da Silva, exhibit some items of a Slave-trading nature The nett proceeds of the sale of the Slaves of the last voyage (the voyage of 1820) sold on account of Brandao, is stated to be 21,372,300 reis or 5936l sterling. There are some items by which Brandao is credited for freight of Slaves at the rate of 50,000 reis for each Slave, or about 13l. sterling. By another item, Brandao is debited for 892,720 reis or about 248l. sterling, being the nett proceeds of the sale of the Slaves of "the "Governor" which proceeds Silva had delivered to Brandao.

On the 9th of July 1821, the Conde de Villa Flor again sails from Para for Cabinda under the command of Brandao. At the close of September she was at Porto Praya, and at the commencement of October at Bissao, as appears by the letter No 32, which is addressed to the Mate, Diego de Hoyos, by Joao Pereira Barreto at Cacheo

The letter No 33, is addressed by Brandao to Jacinto Antonio Pinhel, his associate or partner at Porto Praya It would appear that Brandao intended to put an end by this voyage to his Slave-trading career, as "provided that it were the pleasure of the Almighty that every thing should be "placed in safety," they would "have reaped a good harvest." His nefarious trade, however, was spoiled by the timely arrival of the British frigate Iphigenia, and the harvest that he was about to store was taken from him.

It would appear that Brandao shipped Slaves at Bissao for Porto Praya, in a sloop named the Maria da Graça, commanded by a person named Alfama. The letter, No. 33, mentions, that the sloop would take 74 slaves, if the family of Captain Marcelino, a person who is mentioned in the letter, did not go in her. The memorandum, No. 34, shews, that the sloop made two voyages to some one of the Cape de Verd Islands with Slaves: the time is not mentioned

On the 22d of February 1822, the Conde de Villa Flor was captured at Bissao by boats sent from the British frigate Iphigenia, commanded by Sir Robert Mends. The schooner had on board at the time of capture 171 or 172 Slaves.

The memorandum, No. 35, states 109 Slaves to have been received on board between the 10th of October 1821, and the 28th of January 1822. The Governor of Bissao was the owner of

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some of the Slaves, as appeared by the depositions of the witnesses who were examined in the case of the vessel.

The letter, No. 36, relates to 6 "pieces" *(pessas)* that were shipped by the writer, Antonio Leger, with the mark N. The 6 "pieces" appear under the denomination of Slaves, with the same mark N in the memorandum, No. 35.

By the letters, No. 37 to No. 41, it appears that Brandao had received, for the account of some persons residing at Porto Praya, a number of Slaves, under the denomination of "pieces" and "blood-wood," one Slave excepted, who is openly designated a carpenter. Brandao, however, in his answer, No. 38, to the man who sent the carpenter, terms the Slave a "piece." *(pessa.)*

The letter, No. 42, terminates the exposure of the actions of Brandao and of his associate, the Governor of Bissao, so far as those actions relate to the Conde de Villa Flor. This letter mentions the fact of the account that existed betwixt them, and that the sloop, Maria da Graça, remained at Bissao, and expresses that the Governor would deliver to her Master whatever he, Andrade, could collect towards the liquidation of their account.

It is to be regretted, that some letters have been mislaid which would further have served to expose the delinquent acts of the Governors of Bissao and Cacheo. A brig, named the Apollo, commanded by Antonio Daniel Baptista Barros, has been lately a carrier of Slaves betwixt Cacheo and Bissao and Maranham. A person named Joao Perreira Barreto, the writer of the letter, No. 32, and lately residing at Cacheo, appeared to be principally concerned in this vessel. The Apollo was at Cacheo or at Bissao last year for Slaves; she was expected to be at Cacheo again in January 1822. She is said to be a large brig, capable of receiving a considerable number of Slaves.

Luis Freire de Andrade, the Governor of Bissao, appears, by the paper No. 43, to have shipped on board of the Apollo, for the purposes of sale, 10 Slaves to the consignment of Antonio Joze Pinto, of Maranham. The letter alluded to in this paper, No. 43, was amongst the mislaid letters; it was signed by Andrade, and was accompanied by an account of the sale of the 10 negroes, which account, it seemed to appear, had been transmitted by Pinto to Andrade.

The letters No. 44 to No. 49, further shew Slave-trading acts and Slave-trading designs on the part of different persons at Para, at Bissao, and at the Cape de Verd Islands.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

No. 22.

The Earl of Clanwilliam to the British Commissioners at Sierra Leone.

GENTLEMEN, *Foreign Office, July 16, 1822.*

YOUR despatch of the 20th of March 1822, containing the case of the Portuguese brigantine, *Conde de Villa Flor*, has received the attentive consideration of Lord Londonderry, and has been submitted to the King's Advocate General:—It has appeared to that Officer, and to his Lordship, that the seizure was not strictly agreeable to the second Article of the Instructions annexed to the Treaty, and that the condemnation under those circumstances will admit of much question.

As the Portuguese Commissioner concurred in the condemnation, though with a reservation, of which you were not enabled at the time to state the particulars, I am not to give you, in this stage of the matter, any specifick instructions on the subject in question, but am directed to point your attention to the Treaty, and the Documents annexed thereto, and to the Act of Parliament founded thereon, as your only sure guide in the delicate and difficult situation in which you are sometimes placed,—bearing in mind, that your object is to ascertain and to judge whether the vessel to be adjudged has been captured according to Treaty, and, if so, whether she can be condemned accordingly.

I am, &c.
(Signed) CLANWILLIAM.

His Majesty's Commissioners,
Sierra Leone.

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No. 23.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received September 12.)

MY LORD, *Sierra Leone, July 24, 1822.*

WE have the honour to inclose in this despatch, a statement of the case of the Portuguese brig *Des de Fevreiro*, with the opinions delivered by us severally in the decision upon that case.

The direct destination of the brig Des de Fevreiro to the Gold Coast, with papers, private as well as official, presenting appearances and characteristicks of innocent commerce the most specious and imposing, created in the minds of some of the members of the British and Portuguese Mixed Commission, prepossessions so favourable, that very decisive evidence of actual Slave Trade was necessary to induce a conviction, that so much virtuous seeming could be deceitful.

The abstract of the case will shew that this decisive evidence was found, not only in the testimony furnished on the part of the Captors, but in the admission of those acts by the cooper of the vessel, who was in the first instance induced to deny them.—Concealed entries to the same effect, discovered in the ship's books, removed all doubts of the facts, notwithstanding the absolute and unreserved denial of the Master and of the Mate.

We have not learned that the protest directed by the owner in the event of condemnation has been made, nor that the copies of proceedings in the cause, and other papers to found a claim for the recovery of the insurance, have been taken from the Registry of the British and Portuguese Mixed Court.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(First Inclosure in No. 23.)

Abstract of the Case of the Portuguese Brig Des de Fevreiro, *Joao Vierra da Silva, Master.*

THE brig Des de Fevreiro, was taken on the 1st of April 1822, at Appam, on the Gold Coast, in latitude 5 deg. 16 min. north; longitude, 10 min. 13 sec. west, by His Majesty's ship Iphigenia, commanded by Commodore Sir Robert Mends.

No Slave was proved to be on board at the time of capture, but the Captors had information of the collection of a number of Slaves on shore for the vessel, and of the particular embarkation of some others, who were afterwards landed for security until the whole cargo should be ready for shipment.

The case of the Des de Fevreiro is remarkable for the objects of innocent commerce, to the express and distinct exclusion of a trade in Slaves, declared in all those papers; in some of them, indeed, specified so particularly and impressed so strongly, that the most decisive evidence of actual Slave-trading was necessary to counterbalance the favourable appearances which the case presented at the first view.

The most particular paper, in this view, is a letter from Donna Maria Cerqueira, of Bahia, Owner of the ship, and of the principal part of the cargo, addressed to the Master, and conveying instructions for his conduct during the voyage. This letter directs the Master to proceed directly to the coast of Elmina, where he was to take a canoe for the more convenient dispatch of his business. He was then to proceed along the coast, bartering his cargo for gold, ivory, country cloths, and such other articles of African produce as he might think beneficial: he was to come to anchor in any place where the number of canoes coming off should afford promise of a brisk trade. A hope is expressed that the innocence of this commerce will afford security against molestation; but if any evil-disposed cruizer, not regarding that innocence should, on the pretext of being engaged in illegal Slave Trade, seize the vessel, and if she should in consequence be con-

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demned at Sierra Leone, the Master is directed to enter his protest for the amount of £12,000 sterling, and to take copies of the proceedings, in order that the loss should be recovered from the insurers.

The Master, on his arrival at Elmina, took a canoe, as he was directed, and landed about one-half of his cargo. From Elmina he proceeded to Appam, where the rest of the cargo was landed, and where the transactions took place which led to the seizure of the vessel.

The principal individuals who came to this colony on board of the Des de Fevreiro, and who were therefore examined in the first instance, were the Mate and the Cooper.

The Mate denied, in the most absolute manner, that there was any connection with the Slave Trade.

The Cooper said, that the half of the cargo landed at Elmina, was intended to purchase gold: but, the half landed at Appam, was intended to purchase Slaves; he did not, however, admit that there was any actual Slave Trade, and with respect to a girl brought on board for sale, he said, that the Master refused to buy her because she was sickly.

The Captors produced as a witness, a person of the name of Duncan, resident at Appam, in the capacity of trading agent to the Native Chief. This Duncan accompanied the girl here mentioned on board the Des de Fevreiro with her master, one John Cocraf. He proved that the Master of the Des de Fevreiro had purchased the girl or taken her in payment of a debt, and that the girl had afterwards been sent on shore because the Captain was afraid of the men of war, and did not wish to have any Slave on board until all were ready.

Other purchases of Slaves on board were also mentioned by this witness; and special interrogatories having been in consequence put to the Mate and Cooper, the Cooper avowed these purchases severally, stating particular circumstances of the goods given in return, and excusing his former denial by attributing it to the influence and persuasion of the Mate. The Mate himself persisted in his denial, and attributed Duncan's statements to the desire of getting rid of a debt due for goods sold to him from the ship.

The Master having arrived in the Colony at this stage of the proceedings, gave his claim, and supported it by an affidavit, in which all concern with illegal Slave Trade was denied. He denied in like manner in his examinations on the standing interrogatories.

Some entries, scrawled in one of the ship's books, in characters which seem purposely formed so as to be scarcely comprehensible and then blotted in the most material words, were made out to be accounts of goods bartered for Slaves, and at the bottom of one there was an half-blotted acknowledgment for the receipt of thirty-five Slaves. This and some other similar discoveries decidedly turned the balance of evidence which already inclined to the establishment of illegal Slave Trade in a general way on shore, and in particular acts on board, which were considered as embarkations of Slaves for the purposes of the traffick. The vessel was condemned as prize to the British and Portuguese Crowns, and the Slaves, ten in number, belonging to her, emancipated.

Sierra Leone, July 1822. (Signed) E. GREGORY.
EDWARD FITZGERALD.

(Second Inclosure in No. 23.)

Mr. Gregory's Decision on the Case of the Portuguese Brig Des de Fevreiro, *Joao Vierra da Silva, Master.*

THIS vessel was captured off Appam, in latitude 5 deg. 16 min. north; longitude 16 min. 13 sec. west, on the 1st of April 1822, by His Britannick Majesty's ship Iphigenia, commanded by Sir Robert Mends, who states in his declaration that he found her equipped for the Slave Trade, she having on board Slave-irons, platforms, and food used by Slaves, as also that she had two Slaves on board.

The avowed object of the voyage of the Des de Fevreiro was for gold dust and ivory, or, in the words of the clearance papers of Bahia, the port from whence she sailed, to pursue a licit commerce on the Coast of Africa, the traffick in Slaves being expressly excepted and forbidden.

The instructions received by the Master from the Owner, Donna Maria Victoria Carolina Cerqueira, were to this effect:

"You are to proceed to the Coast of Elmina with the cargo, that is above expressed, to barter "it for gold, ivory, cloths, palm oil and for other articles that you may think proper, the traffick in "which is permitted by the Portuguese and English Governments. You are aware that you are "absolutely prohibited to barter the cargo for Slaves by your clearance papers, which you will "receive with this letter. I therefore order you in the most positive manner not to traffick, "yourself, nor to allow any person to traffick, in Slaves, nor to bring back one single Slave, for I "do not wish to transgress the law, even in the least matter, nor to incur the forfeiture of the "security that I have given."

The Owner further expresses herself, that:

"If any evil-disposed cruizer should not respect the innocent nature of this trade, and should "capture the brig as if she were employed in the prohibited traffick of Slaves, so that the capture "should lead to her condemnation at Sierra Leone, or in a Court of Admiralty elsewhere, (which "circumstance is not to be expected), you will make protest on account of the brig and of her "cargo, to the value of twelve thousand pounds sterling, and you will procure a copy of the pro-

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"cess, sentence of condemnation, and of your protests, that with these documents the damage may "be recovered from the insurers."

It is, therefore, consistently with this avowed object that the Master swears that he came to the Coast of Africa for gold and palm oil; that he traded for these commodities at Elmina, and at Appam; and it is agreeably to his instructions that he makes a shew of resistance to the pretensions of the "evil disposed Captor," who has disturbed him in his innocent trade.

This trade was no other than the trade in Slaves, for which the brig had come prepared to the Coast of Africa. The requisites for a Slave-trading voyage, irons, platforms and food for Slaves were found on board.

A book in which entries are made of goods delivered to different persons during the stay of the brig at Appam, has an entry of "35 *escravos*" (Slaves,) written under the words, "*Deveme o Tapico*," (Tapico owes to me). The pen has been drawn through the two last syllables of the word *escravos*; and in another part of the same book there is written, "Fro. 8. Reci. 26 es"—which "*es*"—is, doubtless, meant to be the first syllable of the word "*escravos*," and to serve as a memorandum of twenty six Slaves received on the 8th of February. A note is made under the words "twenty-six "*es*," of six pipes and seventy-five rolls of tobacco, given, I presume, in exchange for the Slaves. There is also an entry of calavances and farina, which is food used by Slaves on board of Slave vessels.

The Mate, who has been examined, says, that not one Slave was brought on board of the vessel, and that he did not understand that any Slaves were collecting on shore for the brig. That the Mate should not know or understand whether any Slaves were collecting on shore, is not very likely, when he admits that sixteen or twenty sacks of farina, and about thirty bags of calavances were on board of the vessel, for what purposes he cannot be supposed to have been ignorant, when the platforms and Slave-irons were under his eye. The Mate also states, that he understood from the Master that he was to receive ivory, gold-dust, and palm-oil in return for goods that he had given to a man named Duncan, and to another person.

Two Slaves are stated by the Captor to have been on board of the brig at the time of capture. The Mate, in answer to the 14th standing interrogatory, says, that no Slaves, whatsoever, were taken on board during the present voyage but those that were shipped by the Captors; and, in answer to the 13th interrogatory, he says, that the Lader and Owner of the ten Slaves at present on board, he knows not, as they were not laden on board till after the said brig was captured, and he was taken out of her by the capturing ship. Elias, the Cooper of the brig, states, in answer to the 14th standing interrogatory, that the Captain purchased calavances at Appam, for the Slaves; that the Slaves now on board were sent from the shore by a mulatto man, of the name of Duncan, but he does not know under whose orders Duncan acted. In answer to the 5th standing interrogatory, Elias says, that the brig was seized for being engaged in the Slave Trade.

There is a contradiction betwixt these statements, and the declaration of the Captor, that two Slaves were on board at the time of capture. To remove the possible effect of these contradictions, there appear an affidavit of the person named Duncan, and the answers of the Mate and Cooper to special interrogatories put to them on the part of the Captors.

Duncan states, that he "went on board of the Des de Fevreiro, with John Cocraf; that Co-"craf had a Slave girl with him in the canoe, whom he took on board of the brig, and paid her in "part of the goods that he had previously received; that the girl was gagged; that she remained "on board about five hours; that Silva, the Master, told Cocraf that he must take her on shore "again, as he was afraid of the men of war." Duncan further states, that "a Cape Coast man, "named Scipio Cuffee, sent a Slave down in his canoe for sale; that the Slave was taken to Mamfra, and then to the brig; that he (Duncan), saw the Slave carried on board." Duncan also states, that "he was employed by the King of Mamfra to trade with the Captain."

Lima, the Mate, admits that Duncan went on board of the brig from Appam; he also admits that Duncan received from on board aguadente, iron, sugar, and gunpowder; and that a mulatto man, whose name he does not know, who went on board with Duncan, received aguadente, iron, &c. but that he understood from the Captain that he was to receive in return for these goods, ivory, gold-dust, and palm-oil.

The Master, Silva, states, in his affidavit annexed to his claim, that he "had delivered a con-"siderable part of the cargo of the brig to one Duncan, for gold-dust, oil of the palm, and ivory; "that he (Silva), verily believes that Duncan was the person who delivered the natives of Africa "to the seizors of the brig, for the purpose of having the said persons put on board of the brig; "and that he verily believes that Duncan so acted in order to elude the payment of the debt he "had contracted with him (Silva), to a large amount." The Master further says, that "the "said Slaves or Natives of Africa did not belong to the brig."

The Master here says, that he delivered a considerable part of the cargo of the brig to Duncan, and in the memorandum book of the Master there is an entry made of goods to some extent, under the name of Duncan, of Mamfra; there is also another entry of goods under the name of Coca or Cacu. So far Duncan's evidence is confirmed: it appears to be confirmed still further by the entries made in the memorandum book of twenty-six and of thirty-five Slaves, and by the answer of Elias to the fifth standing interrogatory, which shew the traffick in which Silva was engaged.

I think, then, that it will not be too much to take the assertion of Duncan, that Slaves had been purchased on board of the brig and afterwards sent on shore, rather than decide by the statements of the Master and of the Mate; the first being contradicted by entries in the memorandum book and by Elias, and the second not credited for his ignorance of the Slave-trading pursuits of the vessel, when a Slave-trading apparatus must always shew a Slave-trading object.

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Further, Elias, in answer to special interrogatories, says, that he remembers that ten Slaves were taken on board of the brig; they were taken by a mulatto man; they remained on board an hour or two; the Captain was then on board; they were purchased by the Captain, who paid seven rolls of tobacco for each; they were sent on shore from fear of the capturing frigate, and were landed at the port of Manfra.

Elias has stated, that the vessel was seized for being engaged in the Traffick in Slaves, and in this he is confirmed by Duncan, and by entries in the memorandum book. It appears, from a journal kept apparently by the Mate, that the Master was on board of the brig on the 8th of February, and on this day we find by the memorandum book that goods were delivered and Slaves received. And again it is found that the Master did not remain altogether on shore at Appam; in the same journal we find it said, "*this day, the 15th of February* 1822, *nothing new: the Cap-*"*tain on board.*" These circumstances, I think, corroborate the evidence of Elias touching the purchase of these ten Slaves on board of the brig. With respect to the evidence of Elias regarding the girl that was taken on board, it appears to be confused, when contrasted with his answers to the standing interrogatories, wherein he says, that a girl was taken on board, but being in a bad state she was not purchased. This does not accord with his subsequent declaration, that a cask of aguadente was put into the canoe which carried the girl to the brig and back again to the shore. This would have the appearance of an exchange or purchase, which did not take place, according to the answers of Elias to the standing interrogatories.

On the whole, I feel it to be my duty to decide by the evidence of Elias, so far as it appears to be confirmed, and by the testimony of Duncan, rather than by the evidence of the Master and Mate of the brig; and giving it as my opinion that the Des de Fevreiro was engaged in the Traffick in Slaves, and that purchases of Slaves took place on board of that vessel, I say, that the Des de Fevreiro should be condemned as prize, and the Slaves on board emancipated as belonging to that vessel.

(Signed) E. GREGORY.

Mr. Gregory further observed, that the Captors had abandoned the original ground of proceeding against the Des de Fevreiro, for having two Slaves on board at the time of capture, and had rested their title to a favourable decree on the ground, on which she was condemned, that Slaves had been purchased on board and afterwards relanded. Mr. Gregory inferred, that the original ground of proceeding was not tenable, as the mere proof of two Slaves for the traffick being on board at the time of capture, would at once have entitled the Captors to a decree of condemnation; and Mr. Gregory recommended that when vessels had not Slaves for the traffick on board at the time of visitation, and Captors should be of opinion that she *had had* Slaves on board, that this opinion should be stated in the declaration, as the ground for proceeding against the vessel: much trouble would be saved to Captors and to the Commissioners by Captors pursuing such a course of proceeding.

(Third Inclosure in No. 23.)

Case of the Portuguese Brig Des de Fevreiro.

Opinion of Mr. Fitzgerald.

THE first impression of the case of the Des de Fevreiro, as derived from the perusal of the papers of the vessel is of the most favourable description. These papers are very numerous; those of a public nature are perfectly regular, and they, as well as the private papers regarding particular adventures, indicate invariably a voyage directed to objects of innocent commerce, altogether distinct from the Slave Trade, and with strict injunctions to the Master to use such care in keeping clear of that Trade, that neither by himself nor by any other person, should he suffer any concern whatsoever with the purchase of a single Slave, so that no ground nor pretext should exist for imputing to him a neglect of the orders given to him, nor of the faith that he had pledged on this head.

The following paragraphs, extracted from the letter of instructions addressed to the Master de Silva, by Donna Maria de Cequeira, the Owner of that vessel, and of the principal cargo, will convey more strongly than any description of the contents of that letter could, a persuasion that these instructions were framed in perfect truth and sincerity, and that the innocent commerce to which they were directed, was in reality the only description of commerce in the contemplation of the lady. The letter is the paper No. 4, dated Bahia 16th November 1821; it commences thus:—

"You are to make the best of your way to the Coast of Elmina, with the cargo under your "charge, to be there exchanged for gold, ivory, palm oil, and all other kinds of merchandize which "you may think advantageous, and which are matter of lawful commerce permitted by the British "and Portuguese Governments. You are strictly forbidden to purchase Slaves as you are already "aware, and as the despatches addressed to you and the other documents shew, and by this fur-"ther order you are absolutely enjoined, that neither by yourself nor by any other person, shall "you consent to purchase or to deal for a single Slave, so that you may not be guilty of the "slightest transgression of the law, nor of the faith that you have pledged."

In the same letter, after some directions respecting the cargo in general, and the freights to be

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charged on the private adventures, out and home, the intended course of trade is explained in these terms:—

"When you come in sight of Cape Palmas, you are to keep along the coast, at a distance "sufficiently near to admit the access of the canoes in which the black people come from the shore "with gold, ivory, &c. and when you find that they come in considerable numbers, you are to "anchor, in order to carry on the trade with greater facility. This is to be done with the principal "cargo only, and considering how little competition there is likely to be by means of vessels pro- "vided with articles of this description for that traffick, I am persuaded that you can sell each "roll of Tobacco for twelve or sixteen aquis of gold, each aqui being half a drachm, and that you "may get ten aquis for every can of aqua ardente."

Shortly after this we find the following:—

"As the trade is legal, it is my intention to order an insurance, and therefore, in the event that "any mischief should befal the cargo, or the appurtenances of the brig, through the violence of the "winds or waves or any other cause, you will take care that the authentications usual in such "cases, shall be made in due terms by your crew.

"If any evil-disposed cruizer, not regarding the innocence of this trade, should attempt to make "prize of the brig on the supposition of her being engaged in the prohibited traffick in Slaves, and "that you should come, in consequence, to be condemned at Sierra Leone, or in any other Ad- "miralty, which I trust need not be apprehended, you will make protest on account of the brig, as "well as of the trade, to the value of twelve thousand pounds sterling, taking a copy of the pro- "ceedings of the sentence of condemnation, and your protest, in order that by means of these do- "cuments a claim may be made on the insurers for the entire loss sustained."

These extracts are certainly of a nature to create a full confidence of the truth and legality of the purpose with which they were framed. The letters and papers connected with the private adventures are uniformly of the same character, without a single indication of Slave-trading intent. Some of these adventures are of very small value, and are for the account of parties to whom the opportunity of making a little profit would seem to have been given through motives of pure benevolence. Among these is a shipment of aqua ardente, and some other articles for the account of Joaquim, a Slave of Donna Maria Cerqueira, the owner of the vessel and of the principal cargo. There is a shipment of twenty rolls of Tobacco by Donna Maria for the account of her Slaves, of which twenty she directs that on the arrival of the vessel at the place of business, two rolls should be given to each of two Slaves belonging to her, serving on board of the Des de Fevreiro.

It is scarcely possible that adventures of such small amount could have been sent out with any Slave-trading design, and in those of somewhat greater value to which the desire of the greatest profit may attach itself, the directions concerning other objects of trade are so particular and so apparently sincere and natural, that Slave Trade must be supposed to be altogether out of the contemplation of the parties.

All these small adventurers appear to be persuaded, that the right of prior purchase, assumed for the principal cargo, will engross all the gold; they consequently express their wishes in a more particular manner respecting palm-oil and country cloths. One, whose shipment is more considerable, and who, by the identity of the hand and from other circumstances, appears to be the writer of the letter of instructions signed by Donna Maria Cerqueira, forbids the purchase of palm-oil for his goods, as it is liable to become thick, and to waste itself, and to leak. He is particular concerning the country cloths to be brought to him, and he desires that the Master should bring half a dozen of superior quality in his trunk, fit for bed covers, not intended for sale.

There is in all these letters a request to the Captain to employ the same zeal as if the affair was his own; and there is a general discretion to purchase, besides the articles specially mentioned, any other which he may think beneficial. Unless this discretion be supposed to have reference to the Slave Trade, there is not one word in the whole collection of papers which points to that traffick.

The part of the coast chosen for the station of this trade, and actually made the station of it, in conformity with the instructions and with the other papers, would seem very unlikely to be selected with Slave Trading views. The coast of Elmina, so near to Cape Coast Castle, one of the principal British settlements, and a known station of the British Cruizers, would seem utterly incompatible with such a purpose.

To these facts and circumstances we have to add a corresponding state of the log-books, which are without any entry, having reference to Slave dealing. I freely avow that thus far my mind was strongly prepossessed with a favourable opinion of the case of the "Des de Fevreiro."

The novelty of a Portuguese voyage to the coast of Africa, in pursuit of a commerce distinct from the Slave Trade, and directed exclusively to innocent and laudable objects, would be, under any circumstances, sufficiently interesting, and that interest could not fail to be increased by the consideration of the sex of the general owner, Donna Maria Cerqueira.

The admission of small shipments, for the benefit of persons in that lady's service, of petty officers of the ship, and even of her Slaves, and more especially the shipment made by the lady herself for the benefit of her Slaves in general, are circumstances of a nature so singularly bountiful, as to enhance still further the favourable feelings already inspired.

How afflicting must it be to the best principles of our nature, if these appearances of innocence, of rectitude, of purity and beneficence, should prove deceitful, and should be found to have terminated in actual purchases of Slaves to a considerable number, and in actual shipments of Slaves connected with those purchases? Yet, after a careful investigation, with all the prepossessions that I have avowed in favour of the apparent original character of the voyage, I am fully convinced that such actual purchases of Slaves were made, and that actual shipments took place

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in connection with them. I hope, however, that I may be held excused when I avow myself still disposed to believe that the original instructions of Donna Maria Cerqueira were sincere, and that the abandonment of them arose from the cupidity of the Master of the vessel, and from the opportunity, as he supposed, of making exorbitant profits. One-fourth of the benefits of some of the private adventures was promised to him, and he might hope that great and unexpected gain would reconcile all those concerned to a relapse into a traffick which, although illegal, can scarcely yet have begun to be regarded with the sentiments of dishonour by the inhabitants of Brazil.

The evidence of the witnesses, who deposed to facts of Slave Trading, did not in the first appear to me sufficiently to establish the material facts, so as to outweigh altogether the favourable appearances of the papers. The testimony of the Mate was entirely in coincidence with the papers, and in denial of Slave Trade. The Cooper, Elias, in his first examination, avowed a Slave-trading intent in the landing of the half of the cargo put on shore at Appam, and the purchase of Slave provisions at that place; but he did not admit any actual purchase of Slaves, and with regard to the girl brought on board for sale, he says the Master refused to purchase her because she was in a bad state of health. He says that the Slaves now on board were shipped by Duncan, he does not know by whose orders.

The person named Duncan was brought as a witness by the Captors. He says, that the girl already mentioned was carried on board the vessel in a canoe by a man named John Cacuf, whom he himself accompanied; that he was present when the Master of the vessel purchased the girl, or received her in payment of a debt, and that the girl was sent on shore, because the Master was afraid of the men of war, and did not wish any Slaves to be on board until all were ready. This Duncan speaks also of a man Slave belonging to Scipio Cuffee, of Cape Coast, sent on board the vessel, and sold, and sent on shore again to the depôt, where Duncan saw him. It appears that Duncan was an agent for the King of Mamfor, in the Slave-trading transactions between that personage and the Master of this vessel, and that he was disposed to give his assistance in other affairs of the same description. He speaks generally of purchases of Slaves on shore by the Captain, which Slaves were kept by one Matthias, the Captain's agent.

The facts declared by Duncan, appear to have suggested special interrogatories, upon which the Mate and Elias the Cooper were examined. The Mate persists in his general and absolute denial of Slave Trade, and attributes the allegations of Ducan to interested and corrupt motives. Elias confesses the fact of the actual purchase of the girl brought on board for sale, as stated by Duncan; he also avows the purchase of ten Slaves brought on board by another person. He explains his former denial, by some alleged influence on the part of the Mate, not adding much to his own credit by admitting himself to be susceptible of such influence.

In this stage of the proceedings, the Master of the Des de Fevrerio arrives and gives his claim. In his affidavit in support of the claim, he swears that the said brig was not engaged in any unlawful Slave Trade, that she had no Slaves on board at the time of the seizure, that since the capture and detention aforesaid, certain natives of Africa, said to be Slaves, were put on board the said brig, but not by the orders, concurrence, or assent of this deponent.

In his examinations upon the standing interrogatories, he denies, in the same general and absolute manner as the Mate, all concern with the traffick for Slaves.

Upon comparing the testimony of the witnesses on both sides at this period of the case, with due regard to their characters and situations, the balance of evidence inclined, in my opinion, to the establishment of the existence of illegal Slave Trade in a very general extent, and also to yield proof of the actual embarkation of Slaves for the purposes of the traffick, as in the instances of the girl belonging to John Cacuf, the man-slave belonging to Scipio Cuffee, of Cape Coast, and the other ten Slaves.

But it appeared desirable, in a case of this nature, presenting such innocent appearances in its original character, and supported by such absolute swearing on the part of the Master and the Mate, to obtain evidence more clearly, and more unquestionably decisive, than a mere preponderance in the comparison of adverse proofs. I suggested therefore, that the Negroes brought to the Colony in connexion with this vessel should be confronted with the seamen belonging to her. I had found in former instances that the recognitions of persons, and the recollections of facts, by the Negroes, furnished the best means of correct decision amidst the contradictions of Captors and Claimants. In the recent case of the Estrella, in the Spanish Court, the same effect had been produced by this confronting. In the present case it has not been found practicable to bring forward the Negroes, but other proof, more than equivalent to any that they could supply, has been pointed out to me by Mr. Gregory, where it had escaped a sufficiently minute investigation on my own part.

In one of those intentionally careless books, in which entries are made of the dealings of Slave-traders, in such a manner as to be capable of assisting the memory of the parties without giving information to an ordinary reader, there is an entry of the receipt of thirty-five Slaves. This entry is at the bottom of an account of goods furnished to Cacu or Cacuf, a person named in the course of the examinations. This entry, having been first almost unintelligibly scribbled, is afterwards purposely blotted by a stroke of the pen, but when decyphered, it amounts to this, "Received thirty-five Slaves."—There are other entries of a corresponding nature, but less plain and direct. — The book is purposely without dates. But besides the name of Cacu, in the account just mentioned, there is a list of trading articles delivered to Duncan of Mamfor, which identifies it with the present voyage and with the transactions now under investigation. The single entry of thirty-five Slaves, in the dealing with Cacuf, is sufficient to establish the falsehood of the Captain and of the Mate, in their denial of being engaged in the Slave Trade in any way; and the effect of this falsehood extending itself to the whole of their testimony, falsifies it in every point, and confirms

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the opposite testimony of Duncan and of the Cooper Elias; in regard to the purchase of the Slave girl on board, and of the man Slave belonging to Scipio Cuffee of Cape Coast, and of the ten other Slaves. These Slaves having been on board for the purposes of the traffick, the violation of the Treaty is proved in the full extent, necessary to warrant the condemnation of the vessel, and to make it the duty of the Commissioners to emancipate the Slaves belonging to her.

(Signed) EDWARD FITZGERALD.

No. 24.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received September 12.)

MY LORD, *Sierra Leone, July 24, 1822.*

WE have the honour to inclose herewith, for the information of your Lordship, the abstract of the case of the Portuguese brig *Esperança*, which was taken with 149 Slaves on board, off the river Lagos, in lat. 6 deg. 27 m. North, on the 15th of April last, by His Majesty's ship Morgiana, Captain Knight, and brought for adjudication before the Mixed Court. Sentence of condemnation was passed against the vessel; and her Slaves, 147 in number, were emancipated.

The only circumstance in this case that is more than any other entitled to the notice of Your Lordship, is the abuse of the permission granted by the Royal Passport to call at Saint Thomas' and at Princes' Island, on the passage of the vessel to Molembo for Slaves.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(Inclosure in No. 24.)

Abstract of the Case of the Portuguese Brig Esperanza, *Placido Jose da Maia, Master.*

THE brig Esperanza, Placida Jose da Maia, Master, was taken, on the 15th day of April 1822, at the entrance of the river Lagos, in lat. 6 deg. 27 min. N long. 3 deg. 22 min. E. by His Majesty's ship Morgiana, Christopher Knight, Esquire, commander.

The Master and the greater part of the crew had deserted her, only eight seamen having remained on board.

The Esperanza had on board, at the time of capture, one hundred and forty-nine Slaves.

Antonio Jose de Souza, of Bahia, was Owner of the vessel and cargo. There was a Royal passport, dated Bahia, the 9th October 1821, for a voyage to Molembo, to bring thence four hundred and fifty Slaves, being at the rate of five for every two tons, according to law. This passport gave permission to call at the Islands of St. Thomas and Princes, and this permission has been in this instance, as in all the others that have come under the cognizance of the British and Portuguese Mixed Court, employed as the means of facility to proceed to a Slave-trading station to the northward of the Equator.

Antonio Nunez, the Boatswain, and Francisco Nunez, a seaman, both of the Esperanza, in their answers to the standing interrogatories, stated that the Slaves found on board were embarked at Lagos. The Esperanza had previously touched at Elmina, where a part of the cargo was landed to purchase beef, firewood and water. She then touched at Badogary, where also a part of the cargo was landed, but nothing taken on board in return. The intention of this landing must have been to purchase Slaves:—lastly, she came to Oni, at the mouth of the river Lagos, where the Slaves found on board were taken in.

The Esperanza was condemned as lawful prize to the Crowns of Great Britain and Portugal, and the Slaves belonging to her were emancipated. These Slaves were one hundred and forty-seven in number, two having died on the passage from the place of capture to Sierra Leone.

Sierra Leone, July 1822. (Signed) E. GREGORY.
EDWARD FITZGERALD.

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No. 25.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received September 12.)

MY LORD, *Sierra Leone, July 24, 1822.*

THE Portuguese polacca *Esperança Felix*, was taken by His Majesty's ship Iphigenia, Commodore Sir Robert Mends, in the River Lagos, lat. 6 deg. 20 m. North, on the 7th of April last, with 187 Slaves on board. Being a dull sailing vessel, the Esperança Felix was given by Sir Robert Mends in charge to Captain Leeke, of His Majesty's ship Myrmidon, that she might be brought by the Myrmidon to Sierra Leone. The Slaves of the vessel, as also the Slaves of two Spanish schooners, likewise under the care of Captain Leeke, became sickly, and several died. Captain Leeke, considering that the bad sailing of the Esperança Felix retarded extremely the passage of the vessels to Sierra Leone, and thereby exposed the Slaves to greater sickness, thought it advisable to destroy the Esperança Felix, and she was accordingly destroyed. The Slaves were distributed on board of the other vessels.

The case of the vessel was brought under the consideration of the Commissioners, who decreed that the Esperança Felix was justifiably detained, and was liable to condemnation at the time of her capture. Only 85 Slaves participated of the decree of emancipation. Of the remaining 102 Slaves, some perished through sickness, but by far the greater number perished through the melancholy accident which befel one of the Spanish schooners, the Icanam, on board of which they had been placed.

In this case, as in that of the Esperança, mentioned in our last letter, there was a Royal Passport permitting the vessel to touch at the Island of Saint Thomas, and of Princes, on her way to Molembo for Slaves. It is seen, that in this case, as in the other, the permission was abused.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

P. S. We beg leave to enclose herewith the abstract of the case of the Esperança Felix, for the information of Your Lordship.

(Inclosure in No. 25.)

Abstract of the Case of the Portuguese Polacca, Esperanza Felix, *Joaquim Jose Brito Lima, Master.*

THE Esperanza Felix was taken on the 7th of April 1822, in the river Lagos, in the Bight of Benin, in lat. 6 deg. 20 min. N. long 4 deg. 12 min. E. by His Majesty's ship Iphigenia, Commodore Sir Robert Mends. She had on board, at the time of capture, one hundred and eighty-seven Slaves.

The Esperanza Felix had regular papers for a voyage from Bahia to Molembo, a place in the possession of the King of Portugal, to the southward of the Equator. She had a royal passport for three hundred and seventy-three Slaves, being in the proportion of five to every two tons, as allowed by law, and by the Treaty between Great Britain and Portugal. This passport gives permission to call at the islands of St. Thomas and Princes; and this permission, as it has been uniformly found in the cases of a similar description brought before the British and Portuguese Mixed Court, appears to have been designedly introduced in order to give opportunity to run into one of the more favourite Slave-trading stations to the northward of the line: at least the opportunity thus afforded, has been always employed to run directly to one of those northward stations considered more advantageous for the purpose of Slave Trade, and therefore generally so in preference by the unprincipled adventurers in this odious traffick.

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In the present instance, the station of Lagos, somewhat new in the Mixed Court, although well known in the old Slave Trade, has been preferred to the stations recently more visited, such as Calabar and Bonny.

The Esperanza Felix having had on board one hundred and eighty-seven Slaves when she was taken at Lagos, in lat. 6 deg. 20 min. N. would be liable to condemnation as a matter of course, if it could not be shewn in justification of the presumptive illegality that the Slaves were taken on board South of the Line, and that the vessel having them on board, came to the North of the Line through some legitimate cause, such as the dangers of the sea duly proved, or other cause of equally fair admissible influence. The burthen of proof, in such case, is upon the vessel detained. The provisions of the Treaty to this effect are found in the fifth Article of the Instructions for Ships of war.

With a view to the establishment of proof of the embarkation of the Slaves of the Esperanza Felix, at Molembo, and of legitimate cause for the deviation so far to the Northward of the Line, the Master and the Surgeon declared, in their examinations upon the standing interrogatories, that the vessel was proceeding from Molembo to Princes Island for supplies, but that she was driven beyond that island by the force of the current setting to the Northward, and being brought as far as Lagos, the urgency of the wants on board caused them to communicate with the shore for immediate relief. They added, that the vessel was about to proceed to Princes Island from Lagos, when she was taken.

Some special interrogatories were put to the Master touching the winds and the current; but the practice adopted on the recommendation of the Commissioners of examining some of the most intelligent of the Negroes, furnished a decisive refutation of the statements of the Master and of the Surgeon.

These Slaves were found to be natives of the Houssa Country; they declared that they were purchased for the Esperanza Felix at Lagos, which is the general market for the sale of Slaves brought from Houssa. These Negroes added, that the whole of the Slaves on board the Esperanza Felix, when she was taken, had been collected at Lagos, and had been embarked only on the morning of the capture; they added, that they themselves had been put on board so short a time before the capture, that they had not eaten on board.

The Master being unable to disprove this statement, the cause was necessarily decided against him

The vessel being a dull sailer was, soon after her capture, given by Sir Robert Mends in charge to Captain Lecke, of His Majesty's ship Myrmidon, that she might be brought to Sierra Leone, in tow of the Myrmidon. Captain Lecke had also in charge two Spanish schooners, the Vecua and Icanam, full of Slaves. Disease spread itself amongst these Slaves and amongst those of the Esperanza Felix, and several Slaves died. Captain Lecke, taking into consideration that a protracted voyage would be fatal to the surviving Slaves, thought it right for the sake of humanity to destroy the Esperanza Felix, whose bad sailing retarded in a very considerable manner the progress of the other vessels. Some of her Slaves were put on board of the Myrmidon and Vecua, others on board of the Icanam; these last perished by the melancholy accident which befel that vessel. Eighty-five Slaves were landed at Sierra Leone, as belonging to the Esperanza Felix, these Slaves were decreed to be emancipated. The judgment of the Commissioners as to the vessel, was, that she was justifiably detained, and that at the time of her detention she was liable to condemnation for being engaged in an illegal Slave Trade.

Sierra Leone, July 24, 1822. (Signed) E. GREGORY,
EDWARD FITZGERALD.

No. 26.

Messrs Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received September 12.)

MY LORD, *Sierra Leone, July* 24, 1822.

THE case of the Portuguese sloop *Defensora da Patria,* an abstract of which we have the honour to inclose herewith, proves that the illegal Slave Trade is still carried on at Princes Island.

This vessel was taken on the 28th of April last, with one hundred Slaves on board, in the river of Old Calabar, lat. 4 deg. 31 m. N. by the boats of His Majesty's ship Myrmidon, Captain Lecke.

The Defensora da Patria had sailed originally from Bahia, but had, it appeared, taken in a fresh cargo at Princes Island, to an inhabitant of which she belonged. The crew were natives of the Island.

The vessel being destroyed as unseaworthy by the Captors, the decision of the Commissioners, when the case was brought before them, was, that the vessel was justifiably detained, and was liable to condemnation at the time of

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her capture. The Slaves landed at Sierra Leone, eighty in number, were decreed to be emancipated.

This case, added to the several which have been already brought under the notice of your Lordship, will serve to shew the necessity of some check being applied to the malpractices of the people of that Island.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(*Inclosure in No.* 26.)

Abstract of the Case of the Portuguese Sloop Defensora da Patria.

THE Portuguese sloop Defensora da Patria, Caetano Raimundo de Novaes, alledged Master, was taken by the boats of His Majesty's ship Myrmidon, under the command of Lieutenant Elliot, on the 28th of April 1822, in the river of Old Calabar, in lat. 4 deg. 31 min. North; long. 8 deg. 37 min. East. She had one hundred Slaves on board at the time of capture.

There is some inconsistency in the history of this vessel and of her voyage. At the commencement she would appear to be the property of a person at Bahia, named Domingo Peres dos Santos Chaves, (a name not unknown in the British and Portuguese Mixed Court, as concerned with vessels engaged with the illegal Slave Trade.) According to the papers connected with this appearance, the Defensora da Patria sailed from Bahia in the month of August 1821. She had not any Royal Passport, neither were the usual clearance papers from Bahia found among those brought into the Court, in connection with her voyage. According to the other papers, she was destined to Cabinda for the purchase of Slaves to be brought back to Bahia.

A letter from Chaves, conveying instructions for the voyage, to the person in command at the time of sailing, named Manoel Marques de Loureiro, is dated Bahia the 13th of August 1821. This letter directs Loureiro to proceed with the sloop Defensora da Patria, under his command, to the Island of St. Thomas, at which place he was consigned to Joaquim José de Lisboa, who would accompany him to Princes Island, where he was to place himself under the orders of Caetano Raimundo de Novaes, a person whose name was also somewhat familiar in the ears of the Commissioners of the British and Portuguese Mixed Court.

At Princes Island, it appears, a new crew was engaged, or at least the ship's roll, as it was found among the papers of the vessel, was formed and dated at that place. At the top of this roll the name of Caetano Raimundo de Novaes is entered as owner of the sloop, which is described as belonging to Princes Island: Loureiro's name is entered after that of Novaes as Master.

A regular set of clearance papers, dated 4th of February from Princes Island, describe the voyage as from that Island with a destination for Cabinda for Slaves. These papers give reason to suspect that the voyage of the Defensora da Patria, might have had its origin and commencement at Princes Island. The Master, Loureiro, examined on the standing interrogatories, gave answers in many respects inconsistent with the ship's papers. He described Caetano Raimundo de Novaes, as a mere passenger, who came on board at Calabar, and who had no interest in the vessel or cargo, although the name of that person appeared on the ship's roll as the Owner.

It is not material, however, to pursue those contradictions, or to fix the location of the voyage, whether it may more properly belong in its origin to Princes Island or to Bahia.

Loureiro admits, that after the departure from Princes Island, the course of the vessel was directed to Old Calabar, in consequence, as he said, of the strong northerly current. On the arrival at Calabar, the traffick for Slaves was commenced, and, with the usual facility of that great Slave-market, this vessel was found sailing out of Calabar River on the 27th of April with a full cargo of one hundred Slaves on board. This was not quite six weeks after her departure from Princes Island on the 4th of February, nominally for Cabinda. The Master admitted that the Slaves were taken in at Calabar.

The Defensora da Patria having been, after a survey made, (which was filed in the Registry) destroyed by the captor, on account of her heavy sailing, it appeared to the Court, that the judgment most appropriate to the circumstances, would be, to declare that she was at the time of capture engaged in illegal Slave Trade, and was, therefore, subject and liable to condemnation.

It was decreed that the Negroes belonging to her should be emancipated. These Slaves, brought to Sierra Leone on board the Spanish schooner Vecua, were eighty in number.

Sierra Leone. (Signed) E. GREGORY.
EDWARD FITZGERALD.

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No. 27.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(*Received February* 14, 1823.)

(Extract.) *Sierra Leone, September* 8, 1822.

WE have the honour to lay before your Lordship an abstract of the case of the Portuguese brig *Estrella*, of Bahia, taken by Lieutenant Hagan, of His Majesty's brig Thistle, with 296 Slaves on board, on the 29th of June last, in the vicinity of Cape Formosa.

The Thistle arrived at Sierra Leone with her prize on the 19th of July: four of the Slaves of the Estrella had died on the passage to this river, and sixteen were infected with the small-pox, and a few others with ulcers, when she anchored in the harbour. The vessel was placed at some distance from the other shipping, and, in conformity with the recommendation of the Medical Officers, the Slaves were landed on the day after their arrival, the infected Slaves were removed by the direction of His Excellency the Governor, to an Hospital at some distance from the town. We have not heard that the infectious disorder brought by these Slaves has spread beyond their own circle.

In the inclosed abstract of the case of the Estrella, it is mentioned that Lieutenant Hagan endorsed the papers of the vessel on visiting her, as she passed by Cape Coast Castle on the 17th of April last.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(*Inclosure in No.* 27.)

Abstract of the Case of the Portuguese Brig Estrella, *Manoel Pereira dos Santos, Master.*

THE Estrella was fitted out at Bahia, by the Owner, Manoel Francisco Moreyra, for a Slave-trading voyage to Molembo, South of the Equator. Her clearance papers and passport for the traffick were perfectly regular; by the last document she was permitted to call at Princes and at Saint Thomas's in her way to Molembo. The permission to touch at those Islands, the illicit dealer in Slaves may suppose to be a protection to him, should he fall in with any cruizer in their vicinity.

It does not appear that the Estrella touched at Princes', or at Saint Thomas's, but the contingency of her stopping at Princes, was provided for by the instructions of the Owner, to the Master, that on his arrival at that place, he should address himself to Major Jose Xavier Gonzaga de Sa, one of the Members of the Governing Junta of the Island, and a chief illegal Slave Trader there. It would appear that the vessel made the Coast of Africa in the vicinity of Cape Palmas. On the 13th of April, she anchored at Elmina, for the purpose, as is stated in a log-book, "of "trading and of purchasing canoes." On the 17th of April she left Elmina, and was about to pass by Cape Coast Castle, when she was visited by Lieutenant Hagan, of His Majesty's brig Thistle, who having indorsed her papers, suffered her to pass on, as she was not liable to detention under the Convention.

The Estrella anchored off Badagary on the 25th of April, and commenced trading in Slaves; about the 20th of June she left the Coast, and on the 29th of the same month, she was met with, and visited by Lieutenant Hagan, who, at this time, found on board 296 Slaves.

The Master, on his examination here, had the presumption to state that he took in the Slaves at Molembo; he was positively contradicted by the Mate and a seaman, who declared that the Slaves had been purchased and put on board at Onim and at Lagos.

The Commissioners, when the case came before them on the 6th of August, decided, by what was so apparent, that the Slaves had been taken in an illegal traffick, and decreed that the Estrella should be condemned as prize, and the Slaves, 292 in number, emancipated.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

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No. 28.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.— (*Received February* 14, 1823.)

MY LORD, *Sierra Leone, September* 10, 1822.

IN the despatch which we had the honour to address to Your Lordship under date of the 24th of July last, we laid before Your Lordship the case of a vessel belonging to Princes Island, that had been captured in the act of conveying Slaves, acquired by an illegal traffick, from Calabar River to Princes, and we took the liberty to state the necessity that some check should be applied to the malpractices of the people of that Island. The necessity that some check should be put to the Slave Trade in that Quarter, is now rendered more evident by the case of the schooner-boat *San Jose Xalaça*, an abstract of which we have the honour to inclose herewith.

This vessel belonged to Princes, and was owned by a relative of one of the principal persons of the Island, the same who was engaged in the expedition of the schooner Conceicão, that was detained and condemned last year for a breach of the Convention. The San Jose Xalaça cleared out from Princes for Cabinda, but went direct to Calabar river, where she took in thirty Slaves.

The miseries attendant on this traffick are exemplified by the present case. It would appear that the system by which the illicit Slave Trade is pursued by the people of Princes Island, is to send small vessels to the large rivers in the vicinity of the Island, these vessels being more likely to escape detection and to be more readily supplied with Slaves to feed the market at Princes. Such were the vessels detained by Sir George Collier in the year 1819; such the noted Nova Felicidade; such the Conceicão and Defensora da Patria. Accommodation on board these vessels there cannot be any, and when the voyage be in the least protracted, as in the case of the Nova Felicidade, and as in the present case, from unfavourable weather and from the ignorance and unskilfulness of the Masters, the consequence to the Slaves must be a state of extreme suffering. Although the distance betwixt Princes and the entrance of the Calabar, be only such as may be passed in five or six days in favourable weather, the San Jose Xalaça was six weeks at sea, after leaving the Calabar, and ten Slaves perished absolutely through hunger and thirst.

To root out the nefarious traffick of Princes Island will not certainly be an easy task; but we apprehend, My Lord, that if the provisions and penalties of the Portuguese Alvara, prohibiting the Slave Trade to the north of the Equator, should be enforced by the Portuguese Authorities, but more particularly if some mode could be adopted by which convicted Slave-dealers might be sent to a Portuguese Settlement, in order to their trial and transportation to Mozambique, that the illicit Slave Trade would not be so inviting to the traffickers at Princes, who generally, when brought to this Colony, shew great dread of being transported to the eastern possessions of the Portuguese in Africa.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

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(Inclosure in No. 28.)

Abstract of the Case of the Portuguese Schooner-boat, San Joze Xalaca, *Antonio Joachim de Trinidade, Master.*

THE vessel which is the subject of this case belonged to Prince's Island, and was owned, apparently, by Donna Maria da Cruz, a near relative of Jose Xavier Gonzaga de Sa, a Member of the Governing Junta of the Island. The boat was laden at Princes with goods for the Slave Trade; her crew was composed of nine men, natives of Princes, and her Master, it is presumed, was the same person who commanded the schooner boat, "Nova Felicidade," belonging to Ferriera Gomez, late Governor of that Island, at the time of her capture by His Majesty's ship Pheasant.

The boat had some Slave-trading clearance papers for Cabinda, south of the Line; she had no royal passport, but simply a pass, dated 26th of March 1822, and signed by Joze Xavier Gonzaga de Sa. She sailed on the 27th of March from Princes, and on the 23d of the following June she was captured in Old Calabar River, in lat. 4 deg. 40 min. North, by the boats of His Majesty's brig Thistle, commanded by Lieutenant Hagan. Twenty Slaves were delivered up by the native Chief at Calabar as belonging to the vessel, which, on a survey held upon her by the Officers of the Thistle, was destroyed as unseaworthy; the Master and crew remained at Calabar.

The evidence of Mr. Batt, the Officer commanding the capturing boats, and the evidence of some of the Slaves, exhibit horrors which are attendant on the Slave Trade, and horrors which must, in most cases, be a consequence of the system by which the illegal Slave Trade is carried on betwixt Princes and the Great Rivers in its vicinity to the northward of the Equator.

It appears, from the information given to Mr. Batt by the Master of the schooner-boat, that on the arrival of the vessel at Calabar, the Traffick in Slaves was commenced, and that thirty Slaves were purchased. These Slaves were put on board of the boat, and the Master made sail for Princes: his endeavours to reach that Island were unsuccessful, owing to the prevalence of contrary winds and strong currents setting from the Island. When they had been some time at sea, their provisions began to fail, and the scanty daily allowance of the Slaves was reduced to one yam for three Slaves: subsequently the provisions and water failed altogether: ten Slaves died through hunger and thirst, and the rest must have also perished, had not the return of the vessel to Calabar, after being six weeks at sea, brought relief to the suffering wretches. Mr Batt says, "that the twenty Slaves, when found on board by him, were in the most deplorable state of "emaciation, and bore evident marks of the privations to which they had been subjected." And, indeed, it is a matter of wonder how these Slaves survived the hardships of their situation, when, besides being but scantily fed, and it is to be supposed manacled together, they were cooped up in a vessel of only seven tons burthen, and having no other shelter (if shelter it could be either to them or to the crew) but what could be afforded by the space betwixt the water casks and the deck, a space of seven inches.

The surviving twenty Slaves having been demanded of, and delivered by, the Native Chief of Calabar, they, with the exception of three who died on board, were brought to Sierra Leone in the Thistle. Proceedings were instituted as against the vessel; the judgment of the Mixed Court was, that she had been legally detained, and was liable to condemnation at the time of her capture, under the terms of the additional Article to the Convention, for having Slaves on board for the traffick: the Slaves, seventeen in number, were decreed to be emancipated.

Sierra Leone, Aug. 28, 1822. (Signed) E. GREGORY.
EDWARD FITZGERALD.

No. 29.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—
(Received February 14, 1823.)

(Extract.) *Sierra Leone, Sept.* 15, 1822.

WE have the honour to address to your Lordship an abstract of the case of the Portuguese schooner *Nymfa del Mar,* detained by His Majesty's ship Iphigenia, Commodore Sir Robert Mends, off Whydah, in lat. 6. 17. N. long. 2. 55. E. on the 6th of April last, having on board three Slaves.

The Nymfa del Mar was lost soon after the capture, at the mouth of the river Sombrero, the three Slaves were brought to Sierra Leone on board of the Iphigenia.

The case of the Nymfa del Mar came before the British and Portuguese Court for ajudication, on the 22d of July. The Commissary Judges differed in opinion, Mr. Gregory holding that the vessel was liable to condemnation, Mr. Altavilla holding the contrary.

Mr. Fitzgerald, His Majesty's Arbitrator, on whom the decision devolved by this difference, deferred giving his judgment to a future day, which was

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delayed, in consequence of indisposition on the part of Mr. Altavilla, to the 28th August. Mr. Fitzgerald had previously communicated his sentiments to Mr. Altavilla and Mr. Gregory, at a private meeting, held on the 10th of August, for the special consideration of the doubtful matters which the case involved.

Mr. Altavilla still retaining his original opinion, the case was decided by the coincidence of Mr. Fitzgerald with Mr. Gregory.

We have been induced to give the abstract of this case more in detail than those of ordinary cases; because the most material fact which it involves has now, for the second time, come under the consideration of the British and Portuguese Mixed Court, and, it is desirable that the principle upon which we have agreed with Mr. Altavilla to regulate our judgments respecting it, should be rightly understood.

We further beg leave to inclose herewith, for the information of your Lordship, the written opinions of His Majesty's Commissioners upon the case of the Nymfa del Mar.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(First Inclosure in No. 29.)

Abstract of the Case of the Portuguese Schooner Nymfa del Mar, *Francisco Velloso, Master.*

THE schooner Nymfa del Mar, Francisco Velloso, nominal Master, was detained on the 6th of April 1822 off Whydah, in lat. 6, 17. N. long. 2, 55. E. by His Majesty's ship Iphigenia, commanded by Commodore Sir Robert Mends.

The Nymfa del Mar, at the time of her detention, had a platform laid, and every preparation made for the reception of a cargo of Slaves, about two hundred and fifty in number, collected on shore in readiness for embarkation.

It did not appear that any one of the Slaves purchased for this cargo had been on board of the vessel. But three Negroes who were found on board, named Franco, Antonio and Manoel, "declared that they were intended to be sold at the Brazils, and that they were kept in irons while "on shore at Princes Island for the space of about one month, and that while on board the said "vessel they were treated in every respect as Slaves, being kept in irons without clothes, and only "liberated and clothed after the Iphigenia hove in sight."

These are the facts stated in the declaration of Sir Robert Mends, as the grounds for the detention of the Nymfa del Mar, and in conformity with them, the petition of the Proctor of the Captors for the usual monition alleges, that the said vessel was detained "for being illegally en-"gaged in the Slave Trade, having on board at the time of capture three Slaves for the purpose "of traffick."

The petition adds,—"That the said vessel was shortly afterwards lost at the mouth of the river "Sombrero, that the said Slaves had been brought to this Colony in His Majesty's ship Iphigenia, "having been taken out of the said vessel at the time of her wreck."—"Wherefore, &c." No further information was given to the Court respecting the loss of the vessel or the circumstances attending it.

It appeared by the ship's papers that she was the property of a person named Antonio de Paula arbozo, residing at Bahia, from which place she had sailed in the month of August 1821, having a passport from the Provisional Junta of Government for a voyage "to the Islands of St. Thomas "and Princes, with liberty to touch on the Coast of Elmina, for the purpose of trading for articles "of the country, with the exception of dealing in Slaves."

Some of the other official papers mention "cloths and oil" as the particular objects of the intended trade, adding, at the same time, a special exception of Slave Trade.

In the ship's roll, Domingo Jose da Costa, a native of England, is named as Master, and Francisco Velloso, who is found in the station of Master at the time of Capture, is enrolled as Mate, or boatswain (contramestre.)

The Nymfa proceeded in the first instance, from Bahia to Princes Island, and thence to the Gold Coast. At Princes Island an extraordinary change took place respecting the ship's company: Velloso, who had sailed from Bahia, in the capacity of Boatswain, was made Captain: he states in his answer to the second Standing Interrogatory, that he was put in possession by Antonio de Barra, (Barros) the super-cargo, at Princes Island, Domingo Jose da Costa, the former Master,

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disappears, but there is reason to suspect that he still continued in connection with the vessel, and that he was employed on shore in collecting Slaves for the cargo at the time of the capture. In his answer to the fifth Interrogatory, Velloso says, that the other persons of the ship's company, twenty-seven in number, exclusive of himself, "all came on board at Princes Island; they were "hired by the Supercargo."

It is probable that this statement with respect to the general crew, had no other foundation in fact, than a new engagement of the original crew for Slave-trading objects; which objects it might not have been prudent to communicate at the time of sailing from Bahia, on a professed voyage of innocent commerce.

In his answer to the same interrogatory, Velloso says, that the vessel was seized "for having "some domestic Slaves on board, who were mariners, and have been Slaves for the last ten "years."

The Slaves Franco, (or Francisco), Antonio, and Manoel, repeated, in an affidavit sworn by them before the Registrar, the facts already recited, from the declaration of the Captor, of their being confined in irons on shore at Princes Island; of their being embarked in irons, and being treated as Slaves on board, and of the declared intention of selling them as Slaves. The two named Franco and Antonio declared further, "that they belonged to Mr. Xavier, the Governor of Princes, who "put them in prison in irons, and told them he would send them off, and sell them; and this he "said to them several times, when they begged he would release them."

Velloso, in answer to special interrogatories put to him, on the part of the Captors, declared, "that he took the Slaves, Antonio and Francisco, on board, first at Princes; that the Slave Ma-"noel was on board the vessel when he (the witness) joined her at Bahia"—"that the three "Slaves aforesaid, belong to the owner of the vessel;"—"that the aforesaid Slaves have been in "irons on shore, but not on board;"—"that Don Jose da Costa is an Englishman; that he was "Captain of the vessel at the time the Slaves were puschased."

Upon this evidence the cause came to trial on the 13th of July 1822.

The Proctor for the Captors was heard, and the Judges proceeded to deliver their opinions on the 22d of July.

Mr. Gregory observed, that the usual course of inquiry should be directed in this case to the outfit of the vessel, and to the point, whether the vessel had been engaged in the illegal traffick of Slaves.

Mr. Gregory said, that it appeared that the vessel sailed from Bahia for the Coast of Elmina, with the professed object of trading in cloths and oil, and not for Slaves. That she was found by the Captor equipped for the Slave Trade. That the vessel was engaged in the illicit traffick of Slaves at Whydah; that two hundred and fifty Slaves appeared to have been purchased at that Place, but that it was not shewn that any of these Slaves were at any time put on board of the vessel.

Mr. Gregory proceeded to remark, that the disreputable nature of these facts must cause suspicion to rest upon the acts of those concerned in the vessel, that might serve to further the real object of her voyage. And, adverting to the declaration of the Captor, that three Slaves had been shipped at Princes Island, for purposes of traffick, Mr. Gregory observed, that two of these Slaves, Francisco and Antonio, belonged to Mr. Xavier, one of the Governors of the Island, and a noted illicit Slave-dealer; that they were in irons on shore at Princes, and that it appeared, they were shipped on board of the "Nymfa del Mar," at Princes, under circumstances of restraint. That although the Master deposed that these two Slaves belonged to the Owner of the vessel, who resided at Bahia, and that they were domestic Slaves, he did not explain how they came to be at Princes, under the control of some person there, when he admitted, that the two Slaves were shipped at that Island.

Considering that the Master had rendered himself criminal by his illicit Slave-trading acts, Mr. Gregory preferred the evidence of the two Slaves, Francisco and Antonio, to that of the Master, and was of opinion that they were taken on board for purposes of traffick, and not for domestic purposes.

Adverting to the case of the Gaviao, Mr. Gregory remarked, that in that case, Slaves described in a petition to the Governors of Princes Island, as free men, were shipped at Princes, on board of that vessel; that on examinations taken respecting them, it was found that they were not free-men, but Slaves; he thought that the shipment of these men was fraudulent, and intended for fraudulent purposes, for purposes of traffick, and upon this presumption, he deemed that the Gaviao had fallen under the provision of the Convention which rendered her liable to condemnation. Mr. Gregory had not the concurrence of his colleagues in the opinion for the condemnation of the Gaviao, expressed by him on that occasion; they thought that a necessity appeared for the embarkation of those men at Princes Island.

The case of the Gaviao appeared to be similar to that of the Nymfa del Mar, and Mr. Gregory confessed, with all deference for the opinions of his colleagues, that he had not seen reason to think differently of the case of the Gaviao.

With respect to the third Slave on board of the Nymfa del Mar, Manoel, Mr. Gregory expressed a doubt whether he was shipped at Bahia or at Princes Island, but Mr. Gregory said that the balance of doubt was in favour of the Slave, and he thought it right that he should be emancipated with Francisco and Antonio.

Mr. Gregory's opinion was, that the Nymfa del Mar had been legally detained, and was liable to condemnation at the time of her detention; and that the three Slaves, Francisco, Antonio, and Manoel, should be emancipated.

Mr. Altavilla, without entering into any detail of reasoning, expressed his dissent from the opinion of Mr. Gregory.

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Mr. Fitzgerald, His Britannick Majesty's Commissioner of Arbitration, postponed to a future day the delivery of his opinion, with the reasons for it in detail: but he observed that the case of the Nymfa del Mar, although it coincided thus far with the case of the Gaviao, that the main question turned upon the legality or illegality of the embarkation of a very small number of Slaves, taken on board at Princes Island, yet the circumstances which attended that embarkation were very different in the case of the Nymfa del Mar, from those that attended it in the case of the Gaviao, upon which case his opinion remained unaltered.

On Saturday the 10th of August, Mr. Fitzgerald communicated his opinion, and the reasons upon which it was founded, to Mr. Altavilla and Mr. Gregory. It was agreed that the final judgment should be given in Court on Monday the 12th, but Mr. Altavilla having become indisposed in the interval, it was delayed in consequence to the 28th of August.

Before the Commissioners went into Court, an effort was made to induce Mr. Altavilla to agree with Mr. Fitzgerald and Mr. Gregory, so that the decision about to be pronounced should be unanimous. Mr. Altavilla, however, persevered in his former opinion; some of the reasons for which he mentioned, but they cannot be satisfactorily explained in this abridged form.

After the opening of the Court, a further affidavit of the three Negroes was read, in which the one named Manoel declared, that he was purchased in the river Gaboon, "by Antonio Barba, about "six years ago, and that he was in prison in Princes Island about four weeks."

The Proctor for the Captors addressed the Court in argument, for the purpose of shewing that the Slave Manoel, being a Slave in property found on board of a vessel engaged in illegal Slave Trade, should be included with the Slaves Antonio and Franco in one common judgment of emancipation.

After some communication with the other Commissioners on this point, Mr. Fitzgerald pronounced the judgment.

Mr. Fitzgerald, in delivering the opinion which was to stand as the final judgment, began by separating from the case the Negro Manoel, that Negro having, by an affidavit sworn since the last Court day, stated that he was purchased six years ago in the river Gaboon by Antonio Barba, who appeared to be the Supercargo of the vessel,—Antonio Barros, a little misnamed in this as in other instances. In considering the evidence upon both sides of the case, Mr. Fitzgerald concluded, from a comparative estimate, that the Negroes Franco and Antonio were personally more entitled to credit as witnesses than the Master Velloso; on a similar estimate he considered that the facts stated by those Negroes were more credible than those alleged by the Master. Upon the principal points, however, the Master did not contradict the Negroes. The Master stated, that they were put on board at Princes Island; that they were purchased there, and that they were the Slaves of Barboza, the owner of the vessel. The natural conclusion was, that they were sold by their former Master, Mr. Xavier, of Princes Island, to the Agent of Barboza, and it was further to be concluded, that the intention in purchasing them was to add them to the general cargo of Slaves, unless a different and a legal purpose could be shewn. The burthen of the proof lay upon the Master, who neither gave nor offered any justification, nor any explanation whatsoever, and in this consisted the difference between the case of the Nymfa del Mar, and the case of the Gaviao; that in the case of the Gaviao a sufficient justification appeared to him to be fully established, while in the case of the Nymfa del Mar, nothing that had a tendency to justification appeared.

In the case of the Gaviao, there was a petition to the Governor of Princes Island, for permission to embark the four Negroes taken on board there; and permission was granted in consequence. The application of the term "freemen" in the petition, to Negroes so recently purchased as Slaves, was explained by the intention to make them free and to employ them as free mariners.

In the case of the Nymfa del Mar, no permission to embark the Negroes was obtained or sought.

In the case of the Gaviao, a reduction of the original crew was assigned as the cause of the embarkation, and upon investigation that reduction was ascertained to be true.

In the case of the Nymfa del Mar, no cause was assigned.

In the case of the Gaviao, the alledged confinement of the Negroes in irons was disproved, with the exception of a temporary restraint on one who wanted to destroy himself; and with respect to him, the restraint was removed, when the object of it was attained, by inducing him to take food.

In the case of the Nymfa del Mar, the restraint of irons is fully proved.

In the Gaviao, the Negroes were treated as part of the crew.

In the Nymfa del Mar, the Negroes were not allowed to mix with the crew, but were treated as Slaves destined for the traffick.

In the case of the Gaviao, not a Slave was purchased for a general cargo.

In the case of the Nymfa del Mar, two hundred and fifty were purchased, and ready for embarkation, to whom the two individual Slaves would naturally be added.

On the same grounds, therefore, on which the Gaviao was restored, and by the same course of reasoning upon them, the Nymfa del Mar should be condemned.

It may be allowed to him farther to observe, with some satisfaction, that the evidence upon which the decision in the case of the Gaviao rested, was subsequently confirmed in several ways.

While the claim for damages was pending, suspicions having arisen that some of the men who were stated to have left the Gaviao were in reality still on board, an investigation was instituted with the express intention of reversing the former decision if those suspicions should be realized. The result of that investigation confirmed the former evidence, and furnished additional circumstances connected with the departure of the principal individuals. Ateide, the first Pilot, had quarrelled with the Master, and recovered his wages from him by law at St. Paul de Leando,

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where he left the ship. Further, the Negroes who had been taken into the Gaviao at Princes Island and St. Thomas's, were employed on shore at Sierra Leone as freemen, in occupations more or less profitable, one of them receiving five shillings a-day as a cooper; yet all of them by free choice left the Colony with their Master; and this is certainly a decisive proof that they did not consider the situation in which they thus replaced themselves to be that of Slaves destined for the traffick.

More recently still it was ascertained, by some of the papers found on board the Conde de Villa Flor, that the first Clerk in the original roll of the Gaviao, who was stated to have gone on board another vessel belonging to the same Owner, was in fact on board a vessel belonging to that Owner at Bissao at the time when the Gaviao was taken at Calabar. This vessel was the Bella da Dios de Morgueira. The name of the first Clerk was Azevedo.

These confirmatory circumstances were entitled to greater consideration, as the question in these cases must be entirely a question of evidence, and not a question of law; for the law was settled among the preliminary points in the case of the Gaviao.

By the unanimous agreement of the Commissioners in that case,—"An embarkation of Slaves "for the traffick from any of the Portuguese Settlements on the Coast of Africa north of the "Equator, such as St. Thomas's or Princes Island, is to be considered equally illegal, and as "much in violation of the Treaty and Convention between Great Britain and Portugal, as an em- "barkation of Slaves from any of the Places of ordinary resort for the illegal traffick among the "African nations."

It only remains, therefore, to ascertain whether the embarkation be for the traffick or not; and that is matter of evidence; the only difference of opinion that can take place upon it is as to the effect of evidence.

The evidence in the case of the Nymfa del Mar being in Mr. Fitzgerald's opinion so decisive of an embarkation for the traffick, he gave the final judgment accordingly, that the Nymfa del Mar was at the time of capture engaged in the illegal Traffick for Slaves, and, therefore, was subject and liable to condemnation if she had not been lost at sea. The two Negroes, Franco and Antonio, were consequently to be emancipated. The negro Manoel being the Slave of the Supercargo for several years, could not be considered in any other way than as the domestick Slaves generally found on board of condemned Slave ships. It had not been hitherto the usage of the Courts of Mixed Commission to include those Slaves in their decrees of emancipation. The Treaties having declared, that Negroes in such situations cannot in any case be deemed sufficient cause for detention, and that they were to be regarded as Portuguese sailors, this exempted them, as it appeared, from the jurisdiction of those Courts. While those Negroes remained on British ground they could not be molested by any claim on the part of former Owners or Masters; and if they valued their freedom they would not place themselves within the grasp of their Masters.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

(Second Inclosure in No. 29.)

Mr. Gregory's Decision on the Case of the Portuguese Brig, Nymfa del Mar, *Jose Francisco Vellozo, Master, detained off Whydah, in lat. 6 deg. 17 min. N. long. 2 deg. 55 min. E. on the 6th April* 1822, *by Commodore Sir Robert Mends, commanding His Majesty's Ship Iphigenia.*

IN doubtful cases that have come under the jurisdiction of this Court, the first subject of enquiry has been, whether the vessel to be adjudged was fitted out for the Traffick in Slaves, and the next, whether she was illegally engaged in the traffick at the time of detention. These enquiries have been found to be of material importance, as they elucidated points that would, but for them, have remained in a doubtful light, and they have forwarded the general decisions on the cases.

This course of enquiry is absolutely necessary in the present case, which is of a class that has only in one instance (the Portuguese brig Gaviao) been under the notice of the Commissioners.

This vessel sailed from Bahia on the 14th of August 1821, with a professed destination for the Coast of Elmina, and for the Islands of Princes and Saint Thomas; her clearance papers state that she was to proceed to those Places "for cloths and oil, and not for Slaves."

Vellozo, the Master, swears, that the Nymfa del Mar was provided with a royal passport similar to one that was shewn to him belonging to the Portuguese schooner Adelaide, lately condemned in this Court, and which passport was conformable to the model that is annexed to the Convention.

No passport to authorize a Slave-trading voyage is found amongst the papers of the Nymfa del Mar, as indeed such a document could not have been given, consistently with the professed object of the voyage.

Vellozo states, that the Nymfa del Mar went to Princes Island, and from thence to Whydah. At Whydah the true intent of the voyage was shewn by the purchase of two hundred and fifty Slaves. It does not appear, however, that any one of these Slaves was at any time embarked on board of the vessel; but platforms were laid and food provided for the subsistence of a cargo of

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Slaves, when the Nymfa del Mar was detained by Commodore Sir Robert Mends, commanding His Britannick Majesty's ship Iphigenia, on the ground that she had on board three Slaves who had been taken in the vessel at Princes Island for the purposes of traffick.

The facts here related shew a two-fold criminality on the part of those who were concerned in the Nymfa del Mar: first, as deception was used to cover the real object of the voyage; secondly, as a Traffick in Slaves was pursued on a part of the Coast of Africa, where the traffick is forbidden; as well by the Convention under which this Court is constituted, as by a particular law of Portugal.

As criminality increases in degree, so must a just suspicion arise and attach itself to the acts of the criminal party that in the least have a tendency to further its main object. The object in this case was gain,—guilty gain; every act then that could serve to feed the spirit of avarice is to be viewed with much suspicion. This observation I apply to the act of the embarkation at Princes Island of the two Negroes, Franco, or Francisco, and Antonio, for to this embarkation the Captors appeal, as entitling them to a favourable decree.

The Nymfa del Mar was unfortunately lost near the entrance of the river Sombrero shortly after her detention; this loss makes the present suit to be one for the purpose of procuring for those two Negroes, Antonio and Franco, and for another, named Manoel, certificates of emancipation, with a decree, that the vessel was legally detained, and that she was at the time of her detention liable to be condemned as lawful prize. The propriety of granting this decree is to depend on the merits of the question, of whether these three Negroes were put on board for the purposes of traffick, or merely to be employed in the service of the vessel as servants or sailors.

The question of whether a Slave be intended for domestick purposes, or for the purposes of sale, must, in a great measure, be resolved by the circumstances under which he was placed on board-ship, and by a consideration of the place of his shipment, together with a view of the character of those by whom, and with whom he was shipped. It is a question that must almost altogether depend on these considerations: for what under the circumstances of one case may render the detention of a vessel justifiable, may under the circumstances of another case render it unjustifiable. As, for instance, in the case of a declared illegal Slave-trader bound to the Brazils, having on board of his vessel a Slave or Slaves shipped under circumstances of restraint, at a port of Africa that is a notorious haunt of illicit dealers in Slaves; a cruizer, I apprehend, would be justified in detaining a vessel, if these circumstances appeared to him, whereas he might not be justified in detaining a vessel, whether a fair trader or not, bound from the Brazils to Africa, on board of which there should appear a Slave or Slaves who had also been shipped under circumstances of restraint. In the first instance there would be a strong presumption that the Slave or Slaves were intended for the purposes of traffick; but in the second instance scarcely a presumption could be raised that they were intended for such purposes.

In stating thus much I may be said to have prejudged the question that is now before the Court, for the present case is included in the instance first mentioned.

The affidavit made by Antonio and Franco, or Francisco, states, that "they were sent on board "of the schooner Nymfa del Mar in irons as Slaves; that they know they were to be sold "again as Slaves, because the Captain and the people of the schooner told them so, and because "they were never treated as part of the crew." They further swear that "they belonged to Mr. "Xavier, the Governor of Princes, who put them in prison in irons, and told them he would send "them off and sell them, and this he said to them several times when they begged he would re-"lease them."

The Master, in answer to the fifth standing interrogatory, says, the vessel was seized for having some domestick Slaves on board, who were mariners, and have been Slaves these last ten years, and were brought from Princes Island. In answer to special interrogatories, Vellozo says, that "he "took the Slaves, Francisco and Antonio, on board first at the Island of Princes; that the Slave "Manoel was on board the vessel when he, Vellozo, joined her at Bahia; that the three Slaves "aforesaid belong to the Owner of the vessel; that the aforesaid Slaves have been in irons on "shore, but not on board."

It is here admitted, that Francisco and Antonio were taken on board at Princes Island; that they were in irons on shore; so far the evidence of Vellozo agrees with that of Francisco and Antonio, but his further evidence is at variance with that of the Slaves, as he says, that they belonged to the Owner of the vessel, who was Antonio de Paola Barboza, of Bahia, and that they were not in irons on board. It is not explained by Vellozo how these Negroes, who he says belonged to a person at Bahia, came to be at Princes Island and under the control of some person there.

Allowing that the state of a Slave must make him to be an interested party, where it is a question whether he shall exchange a state of slavery for a state of freedom, yet I think it would be harsh to view his evidence with an unfavourable eye, when contrasted with the evidence of an illegal Slave-trader. The dealer in Slaves, when brought here, is perfectly acquainted with the situation in which he is placed; his answers, as we know from experience, are directed to place his case in a favourable light, and, when this cannot be done, to shift the responsibility incurred from Slave-trading acts from himself to others who are absent. The Slave we have found not to be generally acquainted with his situation when brought to this Colony; he may have had given to him an idea that he may here receive his freedom, but in what manner he cannot reasonably be supposed to know, and his answers must be given without design or premeditation; generally speaking this must be the case, although we have had an instance to the contrary.

With this disposition to prefer the evidence of a Slave to that of a declared illegal Slave-trader, I prefer in the present instance the evidence of the two Slaves, Antonio and Francisco, to that of Vellozo,

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the Master, and taking into consideration that they were shipped by a person who has rendered himself criminal by his illicit Slave-trading acts; that they were shipped under circumstances of restraint; that they belonged to the Governor of Princes Island, whose name, I regret to say, appears in the records of this Court as being concerned with illegal Slave-trading expeditions, and who does not appear to have been restrained from participating in such expeditions, either by a sense of the duties of his situation, or by the fear of a shameful exposure of his actions; I say, taking these circumstances into consideration, I feel it to be my duty to declare my opinion that the two Slaves, Antonio and Francisco, were taken on board for purposes of sale, or of traffick, and not for domestick purposes.

In the case of the Gaviao, Slaves, described in a petition to the Governor of Princes Island as freemen, were shipped at Princes on board of that vessel: on examinations taken regarding them it was found, that they were not freemen, but Slaves. I thought that the shipment of these men was fraudulent and intended for fraudulent purposes,—that is for purposes of traffick; and upon this presumption I deemed that the vessel had fallen under the provision of the Convention which rendered her liable to condemnation.

The opinion that I gave on that case was as follows:

"By the Convention the purchasing of Slaves for the purposes of traffick to the north of the "Line is rendered illegal.

"I consider that, according to the letter and to the spirit of the Convention, the shipment of "Slaves at the Islands of Saint Thomas and Princes, both of which are situated to the north of the "Line, for the purposes of the traffick, is to be viewed in the same manner as if the Slaves were "shipped on the prohibited part of the Continent of Africa, otherwise illicit traders would elude "the vigilance of the Portuguese Authorities, making those Islands, which are so nearly situated "to the great Slave-trading markets to the north of the Equator, depôts for Slaves drawn from "thence.

"In this case it does appear to me that Macedo sought to elude for fraudulent purposes, and "that in fact he has eluded, the vigilance of the Governor of Princes, by giving a false cha-"racter to the Negroes embarked at that Island. I should not feel myself justified in a disregard "of the fraudulent shipment of these Negroes, as, in my idea, such a disregard would be followed "by other and more serious abuses of the permission granted by the Convention to embark Ne-"groes on board of merchant vessels as servants or sailors."

I had not the happiness to have the concurrence of my colleagues in this opinion; they thought that a necessity appeared for the embarkation of these men at Princes Island.

In the interval that has passed, since the decision on the case of the Gaviao was given, I must confess, with all deference for the opinion of my colleagues, that I have not seen reason to think differently of that case.

I have chosen to rest this case upon the evidence of Francisco and Antonio, as it has appeared to me that the intent to traffick is more fully shewn with respect to them than it is shewn with respect to Manoel, by his evidence. I think that the Captors have been deficient in not making it appear to whom Manoel belonged. The Master says that Manoel was in the vessel when he joined at Bahia; but the name of the Slave does not appear in the muster-roll of the crew.

It appears certain, however, that Manoel was in irons on shore at Princes, with the two Slaves Antonio and Francisco. I am in doubt whether Manoel was shipped at Princes or at Bahia, but the balance of doubt is in his favour, and I accordingly think it right that he should be emancipated with Francisco and Antonio. In conclusion, I give it as my opinion, that the Nymfa del Mar was justifiably detained by Sir Robert Mends; that she was liable to condemnation for being illegally engaged in the Traffick in Slaves; and that the three Slaves, Antonio, Francisco, and Manoel, should be emancipated from Slavery.

July 22, 1822 (Signed) E. GREGORY.

(Third Inclosure in No. 29.)

Decision of Mr. Fitzgerald, His Britannick Majesty's Commissioner of Arbitration, upon the Case of the Portuguese Schooner Nymfa del Mar.

IN this case the British and Portuguese Commissary Judges had expressed opposite opinions; the former holding that the vessel was liable to condemnation, the latter conceiving that a right to restitution was established. The Commissary Judges delivered their opinions on the 22d of July. Mr. Fitzgerald having taken further time to consider, consulted with the Commissary Judges on Saturday 10th of August, and communicated to them his opinion, and the grounds upon which he had formed it. That opinion was delivered as the final decision on the case. in the British and Portuguese Court of Mixed Commission on the 28th of August 1822.

The Portuguese schooner, Nymfa del Mar, Francisco Velloso Master, was detained by Commodore Sir Robert Mends, commanding His Majesty's ship Iphigenia on the 6th day of April 1822, off Whydah, in the Bight of Benin, in lat. 6 deg. 17 min. N. and in long. 2 deg. 55 min. E. having on board, as the declaration of the Captor states, "three men Slaves taken on board "at Princes Island." The grounds of detention were, "that the said vessel, at the time of de-

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" tention, had a platform laid and every preparation made for the reception of a cargo of Slaves. " That the three men Slaves, viz. Antonio, Franco, and Manoel, declare, that they were intended " to be sold at the Brazils, and that they were kept in irons while on shore at Princes Island " for the space of one month; and that while on board the said vessel they were treated in every " respect as Slaves, being kept in irons without clothes, and only liberated and clothed when the " Iphigenia hove in sight."

The declaration of the Captor, from which this statement is extracted, proceeds thus: " They " were also informed by the crew of the vessel, that there was a large cargo of Slaves, about two " hundred in number, collected on shore ready for embarkation."

Who those were that were thus informed by the crew of the vessel is not clear; but it would seem that the information had been given in the first instance to the Slaves, Antonio, Francisco, and Manoel, and that it was by them communicated to the Captors.

The affidavit of Sir Robert Mends, upon lodging the papers of the Nymfa del Mar in the Registry of the Court, states, " that he seized the schooner, or vessel, called the Nymfa del Mar, " whereof Joze Francisco Velloso was Master, by reason that the said vessel was employed in the " Traffick in Slaves, contrary to the existing Treaties entered into with His Britannick Majesty " and His Most Faithful Majesty the King of Portugal."

The petition of the Proctor for the Captors, praying the usual monition, states, that the vessel was detained " for being illegally engaged in the Slave Trade, having on board at the time of " capture three Slaves for the purpose of traffick; that the said vessel was shortly afterwards lost " near the mouth of the river Sombrero. That the said three Slaves have been brought to this " Colony in His Majesty's ship Iphigenia, having been taken out of the said vessel at the time " of her wreck."

These papers, the declaration and affidavit of the Captor, and the petition of the Proctor, are to be considered as standing in the place of a libel, and as containing a statement of the facts by which the case for the Captors is to be supported.

It is rather extraordinary that the loss of the vessel is not in any way brought under the view of the Court, except as it is noticed in the petition of the agent for the Captors, where it is mentioned as a mere incidental matter, not supported by any affidavit, not explained by any statement of facts or circumstances: after what had been said in other cases, it cannot be regarded otherwise than as matter of culpable neglect that this deficiency was not supplied, at least after the opinions to which allusion is here made were expressed in open Court.

The want of information respecting the time and manner of this loss might place the Court in circumstances of great difficulty and delicacy in that part of this case that has relation to the vessel. Velloso, the Master of the Nymfa del Mar, says, in his answer to the 8th standing interrogatory, " The first port the schooner touched at after capture was Honce, from thence to the river " Sombrero, where she was wrecked: does not know for what reason she touched at those Places, " nor does he know what communication took place with the boats and the shore."

In a case of such doubtful nature, coming for decision to the third Member of the Court, in his strict capacity of Arbitrator, if it should happen to be thought by him a case for restitution, although there might be circumstances to justify the detention, damages must be awarded, unless a proper explanation of these deviations could be given; the duty of Captors being in all cases to bring the detained vessel directly to the place of adjudication, if they are not prevented by causes, the sufficiency of which, as well as the reality, is to be shewn by them when any question is raised respecting those points.

The question of the legality of the detention of the Nymfa del Mar, as it now stands for the decision of the Court, rests upon the point of the embarkation of the three Slaves, Antonio, Franco, and Manoel, whether they were embarked for the purposes of the traffick, or for purposes not immediately connected with the traffick. The facts of the purchase of a cargo of two hundred and fifty Slaves collected on shore and ready to be embarked, and of the platform being laid on board of the vessel in readiness for the reception of those Slaves, however decisive as to the immediate employment of the vessel in the illegal traffick, are not sufficient to warrant the condemnation of the ship, or other judgment equivalent to condemnation, unless the further fact of the embarkation of a Slave or Slaves for the purposes of the traffick be joined with them. Such embarkation is alledged in this case to have taken place in the instance of these three Slaves, and it is not alledged to have taken place in any other instance. According to the papers connected with the outfit of this vessel from Bahia, the object of her voyage was to trade for articles of lawful commerce, with an express exception against engaging in any way in the Slave Trade: her destination was for the Island of St. Thomas and Princes Island, with liberty to touch on the Coast of Elmina. Notwithstanding the express exception against engaging in any way in the Slave Trade, she is found on the coast near Whydah with a cargo of Slaves, purchased and collected on shore, in readiness for immediate embarkation. She had already touched at Princes Island; and it is alledged that there the three Slaves, Antonio, Franco, and Manoel, were taken in for the purposes of the traffick.

At Princes Island it appears an important change took place with respect to the Officers and crew: the present Master who stands on the original ship's roll as mate or boatswain, (contramestre) receives the command of the vessel; he is put in possession of her, as he says, by the Supercargo, Antonio Jose de Barros. The former Captain, Domingo Jose da Costa, enrolled as a native of England, disappears from his station; but there is reason to think that he is the same person who is subsequently mentioned as the American Captain, in a note written by Barros, apparently from the shore while the cargo was in preparation. This note is without a date, it is signed Barros,

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and is addressed to Velloso on board of the Nymfa. It conveys, among other matters, directions from "the American Captain" to get the vessel painted, and "the American Captain" is again mentioned, in connection with the expected departure of the vessel from the coast, in such terms as leave no doubt that he was the person actually in command. I think that there is as little room to doubt that this American is the same person who appears in the original list as Domingo da Costa, a native of England.

Velloso tells us, in his answer to the sixth standing interrogatory, that the number of "Officers "and Mariners on board were twenty-seven, exclusive of himself;" he adds that "they are all Portuguese subjects; they all came on board at Princes Island; they were all hired by the Supercargo."

It is impossible to reconcile this statement with the list of the crew found among the original clearance papers from Bahia, unless indeed we are to understand that a new voyage and a new company were taken up at Princes Island, or at least that a new engagement was made for new purposes with the old company. Either of these suppositions would lead to a direct conclusion of a covert design of illegal Slave Trade in the original preparation of the voyage, that design being attended with circumstances of dissimulation and bad faith, which necessarily tend to destroy the credit of all those concerned in it. On the other hand if we suppose that the Master has given an untrue statement, and that the crew is the same as that originally enrolled at Bahia, still serving under the same circumstances, that untrue statement must impair the credit of the party making it in other points also.

If then we place the statement contained in the affidavit of Antonio, Franco, and Manoel, in competition with the alternative of a fabricated ship's-roll prepared at Bahia for undue and illegal purposes, or of a false statement of a new crew engaged at Princes Island, the balance of credibility will necessarily be in favour of the three Negroes.

The statement made by the Negroes in their affidavit is "that they were severally carried from "the coast as Slaves and landed at Princes Island; that they were sent on board the schooner "Nymfa del Mar in irons as Slaves; that they know they were to be sold as Slaves, because the "Captain and people of the schooner told them so, and because they were never treated as part "of the crew."

Franco and Antonio further make oath "that they belonged to Mr. Xavier, the Governer of "Princes, who put them in prison in irons, and told them he would send them off and sell them, "and this he said to them several times when they begged he would release them."

In opposition to these statements, we have the answers of the Master, Velloso, to special interrogatories put to him on the part of the Captors, in which answers he says, "that he took the "Slaves, Francisco and Antonio, first on board at the Island of Princes, that the Slave Manoel was "on board the vessel when he joined her at Bahia," he says that "the three Slaves aforesaid "belong to the Owner of the vessel, that the aforesaid Slaves have been in irons on shore, but "not on board." He had previously said, in his answer to the fifth standing interrogatory concerning the grounds of the seizure of the vessel, that "she was seized for having some domestick Slaves "on board who were mariners, and who were Slaves the last ten years, and were brought from "Princes Island."

It is remarkable that on this statement the Master does not make any distinction with respect to Manoel, whom he subsequently states, in his answers to the special interrogatories, to have been on board the vessel when he himself joined her at Bahia. It appears in fact that he had not any other intention when examined upon the standing interrogatories, than that of including the whole of the crew in the one alledged general shipment at Princes Island. Allowing him, however, to separate Manoel, and making the question to rest upon the embarkation of Franco and Antonio, which of the two statements is the more credible, that of the Master asserting, that these Slaves were mere domestick Slaves put on board as mariners, or that of the Slaves themselves, who say they were put on board in order that they should be subsequently sold, unless indeed they were sold before their embarkation by Mr. Xavier, to the Agent of Barboza, the Owner of the Nymfa del Mar, and then it would remain to be shewn, how they were to be regarded as distinct from the general cargo of Slaves to the amount of "two hundred and fifty in number," who were, as the Master avows, in answer to the fourteenth standing interrogatory, purchased on shore at Whydah for the purpose of embarking, "but in consequence of a few being wanted they were not shipped."

In estimating the point of personal credibility, it has already appeared that the balance inclined in favour of the Negroes against the Master. In estimating the matters of fact reciprocally alledged by those parties, together with the attending circumstances, when we bear in mind that the two Slaves, Franco and Antonio, according to their own statement, were kept in irons on shore by their former Master, Mr. Xavier, and threatened with a determination to sell them, when they begged him to release them; that they were subsequently put on board in irons as Slaves; that they were told by the Captain and people that they were to be sold again as Slaves; and that they were not treated as part of the crew: bearing in mind also, that a cargo of Slaves has been purchased for this vessel in violation of the Treaty and Convention between Great Britain and Portugal, and equally in violation of the passport granted for this special voyage, a strong primary impression is made, that these two Slaves were embarked for purposes of the traffick. This impression must remain in force unless it be removed by opposite evidence; but if we look to the opposite evidence in this case, what is the amount of it?

The Master, in his answers to the special interrogatories put on the part of the Captors, states, that Franco and Antonio were taken on board at Princes Island; that they had been kept in irons,

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on shore, but were not kept in irons on board; that they belong to the Owner of the vessel. There is not in this any thing contradictory of the statement of Franco and Antonio, that they belonged to Mr. Xavier, of Princes Island, who kept them in irons, with a declared determination to sell them. On the contrary, if the statement of the Master be true, it is to be inferred, that Mr. Xavier did sell them to the agent of Barboza, the Owner of the Nymfa del Mar. Neither is there any thing to contradict the destination for further sale, which these Slaves declare on the authority of communications from the Captain and people of the schooner to them. The natural conclusion is, that these two would have been thrown into the general cargo, to take the course of the market at Bahia, and that this was the intent and purpose of their embarkation.

Being about to pronounce in this case an opinion different from that which I formed on the somewhat similar case of the Gaviao, in which I had to decide, as in the present instance, upon diversity of opinion between the two Commissary Judges, it is incumbent upon me to shew the difference of circumstances in the present case, upon which the difference of my opinion respecting it, from that given by me in the former case, is founded.

This explanation is the more necessary, as Mr. Gregory has adverted to the case of the Gaviao, with expressions of satisfaction with his own opinion upon that case, and of his conviction of the propriety of judging this case by the application of the principles, and the reasoning by which that opinion was guided and regulated. It will be seen, that, although I agree with Mr. Gregory on the decision to be pronounced in this case, the principles and the reasonings from which my coincidence with him arises are the same that governed my judgment in the case of the Gaviao, and upon that case I still adhere to the opinion given by me in judgment upon it.

Before I enter into the comparative view which I propose to take of the circumstances of the cases of the Gaviao, and of the Nymfa del Mar, with respect to the embarkation of the Negroes taken on board of both those vessels at Princes Island, and with respect to the objects and purposes of that embarkation, I think it proper to separate the Negro Manoel altogether from the matter in question: that Negro states, in his part of the supplementary affidavit of the Negroes, filed since the last hearing of the cause, "that he was purchased in the river Gaboon, about six "years ago, by Antonio Barba, and that he was in prison at Princes Island about four weeks." The person who is here called Antonio Barba, is, I conceive, no other than the Supercargo, Antonio Jose de Barros. I do not see how this Negro, so many years the Slave of a Master who was on board of the vessel, or nearly connected with her, can be excluded from the exemption from the rigorous provisions of the Treaty, established by the Treaty itself with respect to Slaves so circumstanced. I do not see how his imprisonment on shore for some time previous to his embarkation, or even his being in irons on board, or any other of the cruel hardships incident to a state of slavery, can furnish ground for a judgment adverse to the Owners, so far as the case has relation especially to him.

The case of the Nymfa del Mar rests therefore upon the legality or the illegality of the embarkation of the two Negroes, Antonio and Franco.

The difference of the circumstances of the embarkation of these two Negroes at Princes Island, from the circumstances of the embarkation of the Negroes taken on board at that Place, by the Gaviao, are these:—

In the case of the Gaviao, there was a petition to the Governor of Princes Island, for leave to embark the four Negroes taken on board of the Gaviao at that Place: that petition stated, as the ground of the application, that the vessel wanted some additional hands. The permission of the Governor was granted, and these four Negroes were taken on board of the Gaviao accordingly.

In the case of the Nymfa del Mar, no such permission is shewn to have been granted or sought.

In the case of the Gaviao, the truth and the sufficiency of the motives of the embarkation were strictly investigated. The reduction of the original crew, the cause assigned for the want which these Negroes were to supply, was considered to be fully proved.

In the case of the Nymfa del Mar, no cause whatever is assigned for the embarkation of the Negroes, Franco and Antonio.

In the case of the Gaviao, the allegations that the Negroes were kept in irons were disproved, with the exception of the temporary employment of them for the correction of a Negro of perverse disposition, named Now, who refused to take food, and wanted to destroy himself, and even in that instance the irons were taken off as soon as the perverseness was corrected.

In the case of the Nymfa del Mar, the employment of irons while the Negroes were on shore is admitted by the Master: the employment of them on board also is not disproved sufficiently to counteract the declaration of the Negroes that they were so employed.

In the case of the Gaviao, the Negroes were occupied in the works of the ship, and treated as the rest of the crew.

In the case of the Nymfa del Mar, these Negroes were kept distinct from the crew, and treated as Negroes are when destined for the traffick.

In addition to these distinctions, which are sufficiently numerous and sufficiently marked, there is this further and most material difference, that, in the case of the Gaviao, it was clearly proved that not one Slave had been purchased for the cargo in the ordinary way of the trade. In the case of the Nymfa del Mar, it is proved, and it is admitted, that a cargo of two hundred and fifty Slaves were purchased and in readiness for embarkation on shore, at the time of capture.

In all cases in which actual Slave Trade exists, in this general form, the purchases and shipments of individual Negroes within the prohibited limits must be taken to be illegal, unless suf-

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ficient cause be assigned and satisfactorily proved. In the case of the Gaviao, although no general Slave Trade existed, the particular embarkation was justified by cause assigned and fully proved. In the case of the Nymfa del Mar, although the existence of general Slave Trade is proved and admitted, no justification is offered, no cause, no excuse is assigned for the particular shipment; on the same grounds, therefore, upon which the Gaviao was restored, and upon every one of those grounds, and by the same reasoning upon them, the Nymfa del Mar should be condemned.

Since it has been necessary to notice so far the case of the Gaviao, I think it not amiss to add here, what may be considered as after-proofs, confirming the prior evidence upon which the judgment in that case was pronounced.

The minute and protracted investigation of the claim for damages consequent upon the restitution, kept the case very long under the view of the Court, and, according as any particular circumstance arose to affect the general low estimation of the credit of Slave-trading witnesses, suspicions were from time to time formed, which were not in any instance suffered to pass out of sight until it was ascertained that they did not afford any ground to reconsider the judgment already passed. If any such ground should have been discovered, I distinctly expressed to Mr. Gregory my intention to revert upon the prior part of the case, and to deprive the Claimant of the benefit of the decision pronounced in his favour.

It did happen that a suspicion was excited that the men who were said to have left the vessel were still on board. I proposed immediately that, without giving any notice, the whole of the persons on board should be brought before the Court in a body. Mr. Altavilla offered to accompany Mr. Gregory or myself on board the vessel, in order to make the investigation there: but the unfavourable state of the weather, and the reports of the foul and noisome condition in which the vessel was, caused that proposal to be declined. All those of the crew whose health would admit were brought hither into Court before the Commissioners, and it was found that, although there was one man on board whose name was not on the roll, and who had not been mentioned to the Court, there was not any one on board, of those who were stated to have left the vessel, and every one of them had been on board originally. The circumstances connected with the departure of some of them were more particularly explained. One of them, who had been Pilot, quarrelled with the Master, and sued him at law for his wages, at St. Paul de Loando, where the vessel put in on her first arrival upon the coast; there that Pilot left the vessel, and the Judge of the Court awarded his wages to him. The name of this person was Ateide.

The seaman who had not previously appeared had been taken on board at Bahia; he gave the name of the Portuguese frigate by which two men of the Gaviao were impressed off that place. She was called the Boadora. She was known to him as having been built at Bahia.

Another circumstance which excited suspicion was, that four convicts had been sent to Angola, as a place of transportation from Pernambuco, on board of the Gaviao. No mention had been made of these in the course of the examinations, and that was the ground of the suspicion connected with them.

It was found upon inquiry that they did not form any part of the crew; neither did they interfere with the correctness of the statement given by the Master; it was therefore thought that no ground existed for instituting a more formal investigation.

The total number of men on board of the Gaviao, including the three Negroes from St. Thomas's, and the four Negroes from Princes Island, was only twenty, a number far short of her due complement, according to the usual average of crews in the Portuguese Slave Trade.

After the final close of the case, still further circumstances arose confirmatory of the grounds of the judgment that had been pronounced. The Slaves taken on board of the Gaviao, at St. Thomas's, and at Princes Island, with the exception of the one named Now, who is still at Regent Town, were settled at Sierra Leone as freemen, in several employments, more or less profitable; one of them, a cooper, who was put on board at St. Thomas's, was in the service of Mr. George Nicol, who paid him five shillings a day, and was well satisfied with him; yet all of these, this cooper as well as the others, made choice to re-embark on board of the Gaviao to accompany their Master, Macedo, to his ulterior destination, rather than to remain in this Colony. This is, at least, a convincing proof that they did not look forward to any rigorous slavery; much less to being subjected to the ordinary purposes and the common course of the traffick.

A further circumstance still of confirmation, of the evidence upon which the decision of the case of the Gaviao rests, was found more recently in the perusal of the mass of papers of every description brought into the British and Portuguese Mixed Court in the case of the Conde de Villa Flor. In the special examination of Macedo, the Master of the Gaviao, when that person was required to account for the departure of every individual absent from the ship's company, according to the original roll, he stated that Azevedo, the first Clerk named in that roll, did not sail with him, having gone on board of another vessel belonging to the same Owner. Among the papers on board of the Conde de Villa Flor a log-book was found belonging to a vessel called the Bella do Dios da Morgueira, the property of that Owner, Elias Coelho Cintra, of Pernambuco. That log-book contained the journal of a voyage of that vessel from Pernambuco to Bissao, at the time when Macedo was on the voyage in which he was taken in the Gaviao; and in that log-book Azevedo was named as first Clerk of that vessel.

This is a trifling circumstance in itself, but it is strong in confirmation of the reality of that deficiency of which the absence of the identical person formed a material part.

The reference so particularly made to the case of the Gaviao, will be my excuse for reciting these circumstances, collected and marked in remembrance by me, with reference to that case which did not cease to engage my most anxious consideration, for I was well aware that my decision upon

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that case would undergo a rigid scrutiny, as being the first instance in which a British Commissioner decided for the restitution of a vessel detained on a charge of being engaged in illegal Slave Trade. I was also well aware that there were individuals who would employ every art and every effort to bring that decision into disrepute and disgrace. I have had, therefore, a satisfaction which will be easily understood in the accession of these circumstances of confirmation to my former conviction; and without undervaluing Mr. Gregory's confidence in the propriety of his opinion, I am strengthened in my confidence of the propriety of mine.

The case of the Nymfa del Mar, has been shewn to be altogether different from the case of the Gaviao, in the most material circumstances, and it is in consequence of that difference that I pronounce a decision as different. In the case of the Gaviao, the Slaves taken on board at St. Thomas and Princes Islands, appeared to have been embarked for other purposes than those of the Traffick. In the case of the Nymfa del Mar, the Slaves, with respect to whom the question has arisen, appear to have been embarked for the purposes of the traffick, and for those purposes alone. The question is not, as the Agent for the Captors has contended, a mere question of law, on the contrary it is a mere question of evidence. The late additional Article has strengthened the law: but the principle of the law of this case I consider to have been settled in the case of the Gaviao; in which it was agreed that an embarkation of Slaves for the traffick from the Islands on the African Coast, belonging to Portugal, is to be regarded as on the same footing with an embarkation of the same nature from the coast itself. The question is, therefore, a mere question of evidence, with the view to ascertain whether the embarkation was for the traffick; in this case, it is proved to my full conviction that the embarkation was for the traffick.

The decision is, that the Nymfa del Mar, at the time of her detention, was engaged in the illegal traffick for Slaves, and that she was subject and liable to condemnation, and would be condemned as prize to the Crowns of Great Britain and Portugal, if she had not perished at sea.

The Slaves belonging to the Nymfa del Mar, to whom the principles and the reasoning upon which this decision rests are applicable, are to be emancipated. These are the two named Antonio, and Franco, or Francisco. The third Slave, Manoel, does not come under the provisions of the Treaty and Convention between Great Britain and Portugal, or rather he is excluded from the operation, by special provisions contained in the Treaty as well as in the Convention, respecting Negro servants and sailors belonging to Subjects of the Crown of Portugal.

(Signed) EDWARD FITZGERALD.

No. 30.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received May 16, 1823.)

(Extract.) *Sierra Leone, Dec. 8, 1822.*

We have the honour to forward to you an abstract of the case of the Portuguese brig *Commerciante*, taken on Sept. 7, 1822, in the river Cameroons, by the boats of His Majesty's ship Driver, dispatched by Captain Wolrige, of that ship, under the command of Lieutenant King. The Commerciante was condemned by the British and Portuguese Mixed Court, on December 7, 1822.

You are respectfully requested to observe, that, as the boats of the Driver approached the Place where the Commerciante was at anchor, a landing of Slaves from that vessel was perceived, which Slaves were delivered up and re-embarked, on demand made to the local Chiefs.

We would beg leave to request your particular attention to the permission given, in the royal passport found on board of the Commerciante, to call at the Cameroons, St. Thomas, and Princes Island, for objects of lawful commerce, such as gold, palm-oil, and ivory. This pretended lawful commerce to the Northward of the Line is altogether incompatible, in reality, with a Slave-trading voyage to the Stations, in which that trade is permitted to Portuguese Subjects South of the Line. The only object that such an association can have, is to afford facility to illegal Slave Trade in the Stations to the North of the Line.

The practice recently common among the Portuguese mariners on this

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coast, of agreeing to give the name of Molembo, or Cabinda, (Stations of legal Portuguese Slave Trade) to Places to the Northward of the Line, where their Slaves have been embarked, was remarkably exemplified in this case of the Commerciante.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Right Hon. George Canning,
&c. &c. &c.

(*Inclosure in No.* 30.)

Case of the Portuguese Brig Commerciante, *condemned in the British and Portuguese Court of Mixed Commission, on Saturday, December* 7, 1822.

THE brig Commerciante, Domingo Ribeiro Folha, Master, was taken on the 7th of September 1822, in the river Cameroons, by the boats of His Majesty's ship Driver, detached by Captain Wolrige of that ship, under the command of Lieutenant King.

The declaration of Captain Wolrige states the particulars of the capture in the following terms:

"I despatched two boats belonging to the said sloop up the river Cameroons, for the purpose "of capturing all vessels illegally trafficking in Slaves; and at 7 A. M., Saturday the 7th of Sep- "tember 1822, Lieutenant King in command of the said boats, and acting by my orders, did cap- "ture the Portuguese brig Commerciante, Domingo Ribeiro Folha, Master, he having distinctly "observed when pulling up to her that she was landing Slaves, and which was admitted by the "crew at his taking possession, and further the said Slaves were instantly and voluntarily re-em- "barked by the Native Chief, from whom they had been purchased."

The latitude and longitude of the place of capture is not mentioned either in the declaration, or in any other of the documents filed on the part of the Captor.

The river Cameroons, according to general estimation, is in lat. 3. 40 North.

It was found by the inspection of the documents belonging to the vessel, that the Commerciante had regular papers for a legal Slave-trading voyage from Bahia to Molembo, with liberty to call at the Cameroons and at St. Thomas's and Princes Islands for purposes of lawful commerce. This liberty has been in this instance, as in all others that have come under the notice of the British and Portuguese Court, made the means of giving facility to illegal Slave Trade in a Station more favourable for that Traffick, to the Northward of the Line.

There is a Royal Passport from the provisional junta of Government at Bahia, authorizing the voyage in this course, and limiting the number of Negroes to be imported on board of the vessel to six hundred and twelve, being in proportion of five to every two tons, as fixed by law, her burthen being two hundred and sixty-five tons.

Francisco Ignacio Cerqueiro Nobre, of Bahia, was the Owner of this vessel.

The Commerciante sailed from Bahia on the 10th of June 1822. On the 16th of July, according to the log-book, she was in sight of Cape Palmas; and on the 24th of that month, she entered the river Cameroons. Here the journal apparently ends. The memorandum of the entry into the river is written at the top of the last page, which is already full; but short entries are made in another part for the subsequent days, down to the 6th of September inclusive, which was the day preceding the Capture. These entries are found in the margin of the first pages of the book beginning with the 25th day of July, which is called the first day on shore. A note is prefixed, stating that the vessel had been forty-seven days at sea, to the day of entering the river inclusive. Thus the sixth day of September is the forty-third day on shore, and opposite to the note of that day, on the margin at the other side of the page, is a note of the same form, stating that four Slaves had died on shore down to the end of August. These notes are made in such a form, that, without minute examination, they might pass for the common-place remarks in the ship's reckoning.

There is another series of notes, on a small scrap of paper, prefixed to a collection of papers delivered into the Registry, which series seems to have been intended to correspond with the list of deaths of Negroes at the end of the marginal notes already mentioned. This series runs thus:

13th day of August - - - - - - - -	one Negro died
20th - - - - - - - - - - - - -	one Negro died
28th - - - - - - - - - - - - -	one Negro died
2d of September - - - - - - - -	one Negro died.

These notes, collectively and separately, connect this vessel and her transactions down from the time when she appeared on the coast to her entrance into the river Cameroons, and from that to the time when she was taken in the Slave Trade to the northward of the Line. She could not possibly have gone first to Molembo and thence come to the Cameroons. The entries of latitude in the log-book from the 29th of June, when she crossed to the northward of the Line, are invariably on that side down to the day of her entrance into the Cameroons, and from that day down to the capture the notes already mentioned shew that she remained stationary there. Consequently the

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Mate (Martins), as well as the seaman Cabreira, must have spoken falsely in declaring, in the examinations on the standing interrogatories, that the vessel had been at Molembo, and had come thence to the Cameroons. This allegation could only be explained by supposing that these men applied the name of Molembo indefinitely to the Slave-trading Stations to the northward of the Line; but as there is not in the log-book any mention of having entered into or having seen any of those Stations, from the time of making the coast near Cape Palmas to the time of going into the Cameroons, they cannot have even the benefit of this excuse.

Martins makes a general acknowledgment of Slave-trading transactions in the Cameroons, in answer to the interrogatories upon that head. Cabreira, in the first instance, denies that any Slaves had been on board for the traffick during the voyage, as stated in the testimony of Martins, to whose statement Cabreira indirectly accedes, in his answers to the fourth special interrogatory, put to him on the part of the Captors, saying, that "many black people went on shore from the "Commerciante on the appearance of the man of war's boats. He does not know whether "they are Slaves or not." After this admission, there cannot be any doubt that Slaves had been on board for the purposes of the traffick, and that they were landed on the approach of the boats of the Driver, as stated in the declaration of the Captor. A further confirmation is found in the answer of the same Cabreira to the fifth special interrogatory, in which he says, "he does "not know whether the Slaves which were on board of the brig, on her arrival at this Port, were "on board before her capture or not."

These answers, at the same time that they amount to a full admission of the fact of the embarkation of Slaves for the traffick before the capture, which fact this witness had before absolutely denied, shew a strong disposition and determination to conceal the truth by means of perjury and prevarication.

The Commissioners agreed, that some means ought to be adopted, to counteract the growing practice of applying the false name of Molembo to the Slave-trading stations, to the Northward of the Line; and if the Court should not, in the present instance, animadvert upon the transgressions of Martins, as well as of Cabreira in this respect, it appeared that, at least, Cabreira ought to be committed to the custody of the Marshal, for his gross prevarication respecting the fact of the embarkation of Slaves for the traffick.

The Commerciante was condemned by the unanimous decision of the Commissioners, as prize to the Crowns of Great Britain and Portugal. The Slaves belonging to her were emancipated; they were one hundred and sixty-seven; thirteen of those delivered up as belonging to her, having died on the passage from the Cameroons to Sierra Leone.

An order was made for the commitment of Diego Cabreira, for prevarication in his answers upon the examination before the Registrar.

The medical Officer, attached to the Commissions (Mr. Shower) having recommended in his report upon visiting the Commerciante, the landing of the whole of the Slaves as early as possible, on the ground that, although they were in a pretty good state of health, many of them were much emaciated and weakened, an order for the landing of the whole was dispatched forthwith, on November 15, the day of the arrival.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

No. 31.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received May 10.)

(Extract,) *Sierra Leone, January 1, 1823.*

WE have the honour to lay before you an abstract of the case of the Portuguese brigantine *San Antonio de Lisboa*, detained by His Majesty's ship Bann, Captain Phillips, for being engaged in the illicit Traffick in Slaves, and condemned in the British and Portuguese Court of Mixed Commission, on the 23d ultimo.

You will observe, Sir, that the gross prevarications committed by the Master and Surgeon of the Lisboa, in asserting in the first instance, and maintaining almost to the last moment, that the Slaves were embarked at Molembo, drew forth the animadversion of the Court, by whose order the offending individuals were committed to the custody of the Marshal.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Right Hon. George Canning,
&c. &c. &c.

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(Inclosure in No. 31.)

Abstract of the Case of the Portuguese Brigantine, Santo Antonio de Lisboa, *Jozé Machado, Master, condemned on Monday the 23d of December* 1822.

THE Santo Antonio de Lisboa, owned by Francisco Xavier Leao, of Bahia, was fitted out at that Place professedly for a Slave-trading voyage to Molembo. She had regular clearance papers with a Royal passport, numbered thirteen, and dated the 2d of May 1822, authorizing her to proceed to Molembo, via St. Thomas and Princes Islands. She was allowed to take in two hundred and ninety-five Slaves, which number was proportioned to her burthen of one hundred and eighteen and a quarter tons, as stated in the passport.

The Santo Antonio de Lisboa, sailed from Bahia, on the 13th of May 1822; on the 15th of July, she was found off Porto Novo, in lat. 6 deg. 20 min. North, long. 3 deg. 35 min. East, by His Majesty's ship Driver. On the passport of the Brigantine there appeared the following notes of visitations made on board of the vessel from several of His Majesty's cruizers at different times.

Boarded 15th July 1822, off Porto Novo, by His Majesty's ship Driver, signed John King, Lieutenant.

Boarded, 8th of August 1822, by His Majesty's brig Snapper, off Porto Novo, signed T. H. Rothrey, Lieutenant and Commander.

Boarded, 30th of August 1822, by His Majesty's ship Bann, off Porto Novo, signed John Hudson, Lieutenant.

The brigantine was brought to Sierra Leone, on the 15th of November, the declaration to be made by Captors on the detention of Portuguese Slave-vessels, was not forwarded by the Captor in this case. But by the affidavit that was made by Lieutenant Cotgrave, of the Bann, on bringing the papers of the Santo Antonio de Lisboa, into the Registry Office, it appeared that the brigantine was detained, on the 5th of October 1822, in lat. 6 deg. 20 min. North, long. 2 deg. 43 min. East, by His Majesty's ship Bann, Captain Phillips, for being engaged in an illicit traffick in Slaves; and by a certificate of Captain Phillips, dated the 6th of October 1822, that was filed in the Registry on the day of adjudication, it appeared that there were three hundred and thirty-six Slaves on board at the date of capture.

The witnesses who were examined in the case, were the Master, Machado, and the Surgeon, Phelipe Sierra.

The Master declared, in answer to the standing interrogatories, that the voyage commenced at Bahia; that the last clearing Port the vessel sailed from was Molembo; that she anchored at Molembo, at Elmina, and at Porto Novo; that she went to Molembo for Slaves, to Elmina and to Porto Novo to sell tobacco; that all the Slaves were taken on board at Molembo.

Sierra, the other witness, declared, in his answers to the standing interrogatories, that all the Slaves were taken on board at Molembo, but he professed ignorance of the vessel's having touched at any other Place than at Molembo, he having been, as he stated, left on shore at that Place.

In answer to Special Interrogatories put to these men on the part of the Captors, the Master, after some attempts at evasion, said that the whole cargo of Slaves in question was purchased in the Bight of Benin, viz. at Porto Novo, and there embarked, that his Slaves had been but one day on board, when his vessel was seized. The Surgeon in answer to the same interrogatories, professed ignorance of all matters, touching the place of the embarkation of the Slaves, though he could not, as he answered, take on himself to swear on the Bible or Holy Cross, that the Slaves were not embarked in the Bight of Benin or Biafra, as he was up the country sick, and when he came down, he found the vessel ready for sea.

The affidavits of two of the Slaves found on board of the brigantine were also taken on the part of the Captors. These Slaves deposed "that they were Natives of Dahomy, and were "purchased as Slaves in that Country by Jozé Machado, the Master of the schooner San Antonio "de Lisboa, who is produced and recognized by them, who kept them confined in irons, "being chained by the legs to each other, and with an iron chain round their necks; "that they, with the rest of the Slaves, were carried from the shores of Dahomy to the schooner "in canoes, and embarked all in one day; that on the eighth day afterwards they were taken by "the man of war." The Slaves could not have been on board so long before the detention took place, according to the confession of the Master, and according to what appeared written in a journal found on board of the vessel by the Captors.

This journal states the arrival of the brigantine at Porto Novo on the 27th of June 1822, and states the occurrences of each day, to the 5th of October following, whilst the vessel lay off Porto Novo. It states the outward cargo to have been landed at Porto Novo; and in regard to what was to have been the homeward cargo, it contains an entry made on the 5th of October, as follows:

"*Saturday 5th of October*, 1822.

"Day of the voyage, 145." "At day break, the sky and the horizon clouded; wind fresh from the W. S. W.; launches and canoes went from all the vessels, to bring our bales, "which were 330; we experienced the greatest pleasure that can be conceived; we made sail "at four o'clock in the afternoon from Molembo for Bahia: nothing further."

The 330 bales here mentioned, were the 330 Slaves, which, with six Slaves in addition, were

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found on board of the vessel at the time of her detention by the Bann, a few hours after the departure from Porto Novo, the Molembo of the Slave-dealers.

The Commissioners taking into consideration the inherent improbability and inconsistency of the original statements of the Master and Surgeon of the San Antonio, alledging that the Slaves were embarked at Molembo, and that the vessel went from that Place to Elmina, and from Elmina to Porto Novo, with those Slaves on board, in order to sell tobacco; considering also the facts and circumstances tending to impress a full persuasion that the whole of the business of the voyage was transacted at Porto Novo, down to the embarkation of the Slaves, described in terms of such strong exultation in the journal; considering further the declaration of the Slaves of Dahomy, purchased in that Country and brought directly thence for embarkation; considering, finally, the ultimate admission of the Master, when examined on special interrogatories, that the "whole of the Slaves were purchased in the Bight of Benin, viz at Porto Novo, and there embarked."

On all these considerations, the Commissioners were convinced that the Slaves were embarked at Porto Novo to the north of the Equator; that the Santo Antonio de Lisboa was engaged in the illegal Traffick in Slaves, and were of opinion, accordingly, that she should be condemned as prize to the Crowns of Great Britain and Portugal, and that her Slaves should be emancipated.

The Master and Surgeon were committed to the custody of the Marshal for prevarication in their evidence.

Part of the Slaves of the Santo Antonio de Lisboa, soon after the detention, were put on board of a Spanish Schooner, named the San Rafael, that had been previously detained by the Bann. The Slaves on board of this vessel, and those left on board of the brigantine, arrived at Sierra Leone in a sickly state, some of them being infected with the small pox: several Slaves had died on the passage to Sierra Leone.

At the recommendation of Mr. Shower, the Medical Officer attendant on the Slaves, part of them, and subsequently, on the petition of the Captors, the whole of the Slaves were given over to the humane care of the Colonial Authorities and Medical Officers of the Colony.

Two hundred and ninety-one Slaves were emancipated.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

No. 32.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning—(*Received May* 10.)

SIR, *Sierra Leone, January* 2, 1823.

WE have the honour to inclose herewith, for your information, an abstract of the case of the Portuguese schooner *Juliana*, detained with one hundred and twelve Slaves on board, on the 31st of October last, in lat. 5 deg. 43 min. N. long. 3 deg. 17 min. E. by His Majesty's ship Bann, Captain Phillips. The Slaves had been embarked at Porto Novo, in lat. 6 deg. 20 min. N. the day preceding the capture of the vessel. The Juliana was condemned as prize, and her Slaves emancipated.

We have the honour to be, &c.
(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Right Hon. George Canning, &c. &c. &c.

(*Inclosure in No.* 32.)

Abstract of the Case of the Portuguese Schooner Juliana, *Joao Ezequiel Leal, Master, condemned on Monday the* 30*th of December* 1822.

THIS vessel appeared to have cleared out at the Portuguese Island of Saint Thomas; the papers found on board of the schooner appeared to have been given by the Authorities there; they stated the vessel to belong to Bahia, and to be owned by Inocencio Marques. No papers, however, from the Authorities at Bahia appeared amongst those that were obtained at Saint Thomas's.

There was a simple passport from the Provisional Government of Saint Thomas, dated the 9th of October 1821, authorising the Juliana to proceed to the Coast of Elmina, to engage in the "licit traffick in cloths, gold, ivory and oil." There appeared a muster-roll, stating the crew to consist of twenty-eight persons, including the Master.

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The Juliana was detained on the 31st of October 1822, by His Majesty's ship Bann, Captain Phillips, in lat. 5 deg. 43 min. N. long. 3 deg. 17 min. E. with one hundred and twelve Slaves on board. She was brought to Sierra Leone on the 19th of December.

The witnesses examined in the case were Phelipe Santiago, seaman, and Bernardo Merelles, barber, or surgeon. They deposed that the Juliana belonged to Bahia, and to Inocencio Marques, who resided there; that the voyage began at Bahia, and was to have ended at that Place; that they went to Porto Novo, which is in lat. 6 deg. 20 min. N. long. 3 deg. 35 min. E.; that the schooner took in her Slaves at that Place on the day preceding her capture.

The Commissioners on this evidence decreed the condemnation of the Juliana as prize to the Crowns of Great Britain and Portugal, for being engaged in the illicit Traffick in Slaves, and decreed her Slaves, ninety-four in number, to be emancipated.

At the recommendation of the Medical Officer attendant on the Slaves, Mr. Shower, and on the petition of the Proctor for the Captors, the Slaves were landed, as being in a weak and sickly state, the day after the arrival of the Juliana.

On the face of the Juliana's papers there appeared notes of visitations made on board from several of His Majesty's cruizers. These notes shew the extraordinary length of time that the schooner remained on the coast, as well as that they shew the fearlessness with which her people pursued the illicit Traffick in Slaves on shore at Porto Novo. These notes appear on the passport in the following order:

Boarded, 15th April, by His Majesty's ship Morgiana, signed Thomas Ross, Lieutenant.
Boarded, 6th May 1822, by His Majesty's ship Pheasant.
Boarded, 29th May 1822, by His Majesty's brig Thistle.
Boarded, 15th July 1822, by His Majesty's ship Driver, signed J. King, Lieutenant.
Boarded, 8th August 1822, off Porto Novo, by His Majesty's brig Snapper.
Boarded, 30th August 1822, off Porto Novo, by His Majesty's ship Bann, signed J. Hudson, Lieutenant.
Boarded, 25th October 1822, off Porto Novo, by His Majesty's ship Bann, signed J. Hudson, Lieutenant.

No Slaves being on board of the Juliana at the time of these visitations, and there not being any well grounded suspicion in the minds of the British visitors, of Slaves having been on board at any time, the vessel was not, of course, molested.

The length of time during which the Juliana remained off Porto Novo, for the collection of the Slaves that were to be embarked on board of her, was understood to have been occasioned by the bad quality of the goods of her outward cargo, which caused great difficulty in obtaining Slaves in exchange for them.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

No. 33.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received May 16.)

SIR, *Sierra Leone, January 20, 1823.*

WE have the honour to inclose herewith an abstract of the case of the Portuguese schooner *Conceiçao*. This vessel, was detained off the Portuguese Island of Saint Thomas, by His Majesty's ship Bann, Captain Phillips, on the 13th of November 1822, with two hundred and seven Slaves that had been taken on board in the river Cameroons, to the Northward of the Equator.

The detention of the Conceiçao was stated by the Captor to have taken place at eight or nine miles distance from the shores of Saint Thomas. The Portuguese seamen, who were examined as witnesses, differed upon this point; one, Joze Antonio, saying that the Place of detention was four or five leagues distant from the Island of Saint Thomas, another, Francisco Reis, saying that it was only one mile. Antonio, the Cook, who was also examined, says nothing of the distance. The Provisional Government of the Island, with whom Captain Phillips communicated immediately after the capture, made no objection to the locality of the capture, as coming within the limits of the protection given to vessels within gun-shot of Portuguese fortresses by the second Article of the Instructions for ships of war.

The Commissioners were, consequently, of opinion, that the detention of

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the Conceiçao was legal. The vessel was therefore condemned, and her Slaves brought to this Colony were emancipated.

The communications that took place between Captain Phillips and the Provisional Government of St. Thomas, being particularly marked with the spirit of conciliation and harmony, which, according to the original letter of instructions from Viscount Castlereagh, His Majesty is desirous should be preserved between His subjects and those of His Most Faithful Majesty, under the stipulations of the Treaty and Convention, we have thought it due to the parties to forward herewith copies of those documents in connexion with the case.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Right Hon. George Canning,
&c. &c. &c.

(First Inclosure in No. 33.)

Abstract of the Case of the Portuguese Schooner Conceiçao, *Jose Lourenço da Silva, Master, condemned on Saturday, January* 18, 1823.

THIS vessel belonged to Bahia, and was owned by Francisco Ignacio de Cerqueira Nobre of that Place. She had regular clearance-papers for a legal Slave-trading voyage to Molembo, via Saint Thomas's, Princes Island, and the river Cameroons. Her Royal Passport, numbered 26, and dated the 31st of July 1822, authorized her to carry four hundred and eighteen Slaves. It was stated in some of the papers that the Conceiçao was to proceed to St. Thomas's, to Princes, and to the Cameroons for "oil and ivory," and to Molembo "for Slaves."

The vessel sailed from Bahia on the 1st of August 1822. On the 13th of November following, she was detained, whilst on her return voyage, with two hundred and seven Slaves on board, by His Majesty's ship Bann, Captain Phillips. The declaration of Captain Phillips stated, that the detention took place off the Island of St. Thomas. The vessel arrived at Sierra Leone on the 24th of December.

The witnesses examined in the case were two of the Seamen and the Cook of the Conceiçao. They all three deposed, that the vessel had sailed from Bahia and had gone to the river Cameroons for Slaves; that the Slaves on board were are all taken in at the Cameroons, and that the vessel was returning to Bahia when detained by the Bann.

With regard to the Place of the detention of the schooner, one of the witnesses said, that he first saw the capturing vessel to the Northward of St. Thomas; that the schooner was taken four or five leagues from St. Thomas; that at the time the schooner was pursued she was steering for St. Thomas to repair her masts. The second witness said, that he first saw the capturing vessel off St. Thomas; that the vessel was captured off that Island; that her course was not altered, nor additional sail made, upon the appearance of the capturing vessel. The third witness stated, that he saw the capturing vessel off St. Thomas; that the schooner was captured at about one mile from the Island of St. Thomas; that the schooner was taken by the boats of the capturing vessel at the time she was steering her course for Bahia.

On the day appointed for adjudication, Captain Phillips tendered to the Court a copy of a letter addressed by him, under date of the 14th of November 1822, to the Governor of the Island of St. Thomas, stating that the boats of the ship under his command had detained the Portuguese sumaca Conceiçao, with two hundred and seven Slaves on board, embarked in the Cameroons; that the detention took place eight or nine miles from the shores of the territory of His Most Faithful Majesty; and stating that he, Captain Phillips, wished to land the crew of the Conceiçao on the Island, if the Governor had no objection. Captain Phillips also tendered to the Court an original letter, dated St. Thomas, the 14th of November 1822, addressed by the Members of the Provisional Government of the Island, in answer to the letter of Captain Phillips.

This letter, from the Portuguese Government of St. Thomas, acknowledged the receipt of Captain Phillips's letter, communicating the fact of the detention of the schooner at the distance of nine miles from the Portuguese territory; it stated that the Government remained aware of that fact, and that it had no objection to the landing of the Portuguese crew, whenever Captain Phillips might please to put them on shore.

These documents were tendered to the Court by Captain Phillips, with the view of shewing that he had made known the fact of the detention to the Government of St. Thomas; that detention having taken place within a short distance of the Island.

The Commissioners found it clearly proved that the Conceiçao had taken in her Slaves at the river Cameroons, to the northward of the Equator. Consequently, the Traffick in Slaves, in which she had been engaged, was illegal.

The Commissioners were further of opinion, that the detention of the Conceiçao was legal, inasmuch as it appeared that the vessel was detained whilst under sail endeavouring to reach St.

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Thomas, and that it was not proved that there was, by her detention, a violation of the 2d Article of the Instructions for the Cruizers annexed to the Convention, which declares "that no "merchantmen or Slave-ship can, on any account or pretence whatever, be visited or detained "whilst in the port or roadstead belonging to either of the two High Contracting Parties, or "within cannon-shot of the batteries on shore."

The declaration of the Captor, that the detention took place nine miles from the Island, did not appear to be affected by the evidence of the Portuguese mariners, who stated the distance at which the detention took place to have been, according to one, at four or five leagues, and according to another, at one mile from the Island.

The Commissioners considered that the estimation of the distance by these mariners could not, judging by the variance between their testimony, have been very precise; that the letter received by Captain Phillips from the Provisional Government of St. Thomas, indicated that there had not been a violation of the 2d Article of the Instructions for the cruizers, as, had any been committed, it was to be presumed that the Portuguese Government of St. Thomas would have noticed and represented it in its answer to the letter of Captain Phillips.

The Commissioner of His Most Faithful Majesty concurred with the British Commissioners in a decree for the condemnation of the Conceiçao as prize to the Crowns of Great Britain and Portugal, and for the emancipation of the Slaves.

At the recommendation of Mr. Shower, the Medical Officer, and on the petition of the Proctor for the Captors, the Slaves were landed a few days after the arrival of the Conceiçao in the harbour. One hundred and seventy-eight were emancipated.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

(*Second Inclosure in No.* 33.)

Captain Phillips to the Governor of the Island of St. Thomas.

His Majesty's Ship Bann, at St. Thomas, November 14, 1822.

MAY IT PLEASE YOUR EXCELLENCY,

I BEG to inform you of the detention, by the boats of His Majesty's ship Bann, under my command, of the Conceiçao, Portuguese sumaca, with 207 Slaves on board, embarked in the Camaroons. Her detention took place eight or nine miles distant from the shores of the territory of His Most Faithful Majesty, and is consequently a just subject for detention, agreeably to the existing Treaties between our respective Sovereigns. The crew, as Portuguese subjects, I wish to land at St. Thomas's, if Your Excellency has no objection. The vessel will be dispatched, I hope, by this evening, but I am not quite certain, as her mast requires some repair.

The dispatch your Excellency received from me respecting the schooner laying in the Bay of St. Anna de Chaves, was forwarded by a canoe belonging to the town, supposing it would be the last opportunity I should have of communicating with the Place, which I trust will plead an ample apology for the informality of its delivery.

The bearer of this should have been an Officer of higher rank, but, from the number of prizes taken, we are consequently so short of them, and so busily employed, that none other could be spared, as it is my intention to proceed to sea with His Majesty's ship this evening, in the furtherance of her cruize, as well as to dispatch the Conceiçao for Sierra Leone.

I have the honour to be, &c.

(Signed) CHAS. PHILLIPS,
Captain of His Majesty's Ship Bann.

His Excellency The Governor of the Island of St. Thomas.

(*Third Inclosure in No.* 33.)

The Governor of the Island of St. Thomas to Captain Phillips.

(Translation.)

SIR,

WE have received your despatch of this day, in which you inform us that you have captured, at nine miles distance from the Portuguese territory, the brigantine Conceiçao, Joze Lourenço da Silva, Master, with two hundred and twenty Slaves that were shipped at the Cameroons; and that you intend to send the vessel away this evening after landing the Portuguese crew.

We have the honour to acquaint you, that we remain informed of the contents of your despatch, and that you may direct the said Portuguese crew to be landed whenever you please. We remain grateful for the attention which you shew towards us: may heaven preserve you.

Palace of the Provisional Government of the Island of St. Thomas, the 14th of November 1822.

(Signed) JOAO BAPTISTA E SILVA DE LAGOS.
FAUSTINO DIAS DE ANDRADE.
ANDRES TEIXRA. DE SZA. E ARAYAO.

Charles Phillips, Esq.
&c. &c. &c.

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No. 34.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received May 16.)

(Extract.) *Sierra Leone, January* 31, 1823.

WE have the honour to inclose herewith an abstract of the case of the Portuguese schooner *Magdalena*, detained by His Majesty's ship Bann, on the 29th of September last, in latitude 1 deg. 9 min. North, and longitude 7 deg. 54 min. East. Thirty-three Slaves were on board of the Magdalena at the time of her detention.

The vessel was left at Princes Island as unfit to perform the voyage to Sierra Leone. The Slaves were brought to Sierra Leone on board of the Bann. The case was not brought into the Mixed Court until the 14th of January, about which time the Bann arrived at Sierra Leone from her cruize to leeward. It was proved that the Slaves had been embarked at Cape Lopez, which is situated about 1 deg. to the southward of the Equator. This embarkation involved a question altogether novel in the Mixed Court. The question was, whether under the Treaty of Vienna of the 22d January 1815, and the Additional Convention of the 28th July 1817, the Slave Trade could be considered to be illegal for Portuguese Subjects, betwixt the Equator and the 5th deg. 12 min. of south latitude, so as to render vessels having on board Slaves, embarked within those limits, liable to condemnation by the Mixed Courts.

The Magdalena was decreed to be condemned as prize and her Slaves to be emancipated.

We beg leave to inclose the copy of a letter addressed by Captain Phillips to The Governor of Princes Island, with a copy of the Governor's reply thereto, relating to the Magdalena, which vessel Captain Phillips proposed to leave at Princes Island.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Right Hon. George Canning,
&c. &c. &c.

(First Inclosure in No. 34.)

Abstract of the Case of the Portuguese Schooner, Magdalena, *Manoel Francisco do Carmo, Master, condemned on the 23d January* 1823.

THIS vessel belonged to the Portuguese Island of St. Thomas; she was owned by Manoel Simao: her clearance papers stated that she was despatched for the lawful Traffick in Slaves, but she had not any Royal passport to authorize her to engage in that traffick; she had merely a simple pass, dated the 14th August 1822, from the Provisional Government of St. Thomas, stating the object of her voyage to be, to engage in the lawful Slave Trade at Cabinda. The crew of the vessel consisted of eight men, including the Master: she sailed from St. Thomas on the 16th of August.

On the 29th of September 1822, the Magdalena was detained by His Majesty's ship Bann, Captain Phillips. The declaration made by Captain Phillips in the case, states the particulars of the detention in the following terms:—

"I, Charles Phillips, Esq., Commander of His Britannick Majesty's ship Bann, hereby declare "that, on the 29th day of September 1822, being in or about lat. 1 deg. 9 min North, and long. "7 deg. 54 min. East, I detained the Magdalena da Praça, sailing under Portuguese colours, "armed with two guns, four-pounders, commanded by Manoel Francisco do Carmo, who declared "her to be bound from Cape Lopez to the Island of St. Thomas, with a crew consisting of six

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" men, and having on board thirty-three Slaves, said to have been taken on board at Cape Lopez, " on the and are enumerated as follows, viz. :

	Healthy	Sickly
" Men	none	—
" Women	1	—
" Boys	22	—
" Girls	9	1

" And I do further declare, that the said vessel did not appear to be sea-worthy, and was not " supplied with a sufficient stock for the support of the said Negroes and crew on their destined " voyage to Sierra Leone, in consideration of which I have left her in charge of the Governor of " the Portuguese Island of Princes, after having taken out her cargo, of which a list is hereby " inclosed, until the decision of the Mixed Court of Commission shall be known."

The case was not brought before the Court of Mixed Commission until the month of January, when the Bann arrived at Sierra Leone, from her cruize to leeward. The papers of the vessel were filed in the Registry on the 14th of that month.

None of the crew were brought to Sierra Leone: they were left at Princes Island. A petition of Captain Phillips, praying that some of the most intelligent of the Slaves might be examined in order to prove that the Slaves on board were embarked at Cape Lopez, stated " that having found " the Magdalena unsea-worthy (as set forth in his declaration) he, Captain Phillips, was obliged " to leave her and her crew at Princes Island, in the charge of the Governor."

One of the Slaves, named Gandé, was examined. This Slave said, " that the schooner he was " put on board as a Slave lay at Curoungoo at the time he was so put on board her; that all " the Slaves on board the said schooner, when captured, were embarked on board her at Cu- " roungoo, aforesaid." The person who interpreted betwixt the Slave and the Registrar stated, " that the Place called Curoungoo in the language, and by the aforesaid Gandé, meant, in " English, Cape Lopez." This Cape is situated in about one degree of south latitude.

Amongst the papers delivered by the Master of the Magdalena to Captain Phillips, there was a letter signed Joze Gomez da Rocha, and addressed to a woman residing at St. Thomas's. Gomez da Rocha informed the woman in this letter that he had sent to her by the schooner some cloths, beads, knives, and a barrel of aguardente, and, he said, " when the schooner shall return, I will " send you two Slaves," *(é coando vier a escuna lhe mandarei 2 cativos)*.

This man, Gomez da Rocha was the Master of a Portuguese schooner, named the Sinceridade; this vessel was detained by the Bann, and sent to Sierra Leone for adjudication; she had taken Slaves on board at Cape Lopez. Gomez da Rocha was brought in the Bann to Sierra Leone, and the letter before mentioned having been shewn to him, he stated on oath, " that being at Fetis " Ponte, on the Western Coast of Africa, at about twenty-one miles to the northward of Cape " Lopez Gonsalvez, in the Portuguese sumacha Sinceridade, of which deponent was then Master, " on or about the 16th of the month of September last past, he saw the Portuguese schooner " Magdalena aforesaid, embark and receive on board thirty-three Slaves, natives of Africa, two " of whom belonged to this deponent; that the said schooner Magdalena was then bound to " and sailed for the Island of St. Thomas, having the said cargo of Slaves on board; and further, " that the letter hereunto annexed," (the letter that has been already mentioned), " the same " being written by this deponent, was by him sent in the Magdalena da Praça, directed to the " Island of Saint Thomas."

Affidavits of the senior Lieutenant, and of the Master of the Bann, were filed in the Registry: they were to the effect, that it did not appear to them that the Magdalena was of a sufficient size to undertake a voyage to Sierra Leone, from the place of capture, she being about thirteen tons burthen, and extremely leaky.

Before the case came on for adjudication, the Commissioners wished that some more of the Slaves should be examined touching the Place of their embarkation; but it was represented to the Commissioners by the Registrar, that he had endeavoured to examine others of the Slaves, but they were not sufficiently intelligible, apparently by reason of their not completely understanding the interpreter.

The case came on for adjudication on the 23d of January. The Captors moved the condemnation of the vessel and the emancipation of her Slaves, first, on the ground that the Slaves had been taken in an illegal traffick, inasmuch as Portuguese subjects are not allowed to Trade in Slaves at Cape Lopez, but only within the limits laid down in the 2d Article of the Convention, those limits being on the Eastern Coast of Africa, from Cape Delgado to the bay of Lourenço Marques, and on the Western Coast, from the 5th deg. 12th min. South lat. to the 18th deg. South lat. The Captors moved for the condemnation of the vessel, and the emancipation of the Slaves; secondly, on the ground that the Magdalena was not provided with a Royal Passport to trade in Slaves conformable to the model annexed to the Convention.

The Commissioners noticed the total absence of the crew as a source of inconvenience, as the case was made to depend mainly upon the evidence of one Slave. They observed, that Captors would do best to send part at least of the crews of the vessels to be adjudged, in order to their being examined as witnesses. And the Commissioners trusted that their satisfaction in this matter would not be considered as of the least importance by Captors.

Captain Phillips observed that he would in future cases send the crews of detained vessels to Sierra Leone for examination.

The Commissioners in succession gave their decision upon the case.

Mr. Gregory conceived it unnecessary, as no particular reason pressed him to comment upon the want of the Royal Passport in this case.

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Mr. Gregory adverted to the absence of the crew, and observed that, under the circumstances of the case, the evidence of the Slave Gandé was considered by him admissible, and that it could be relied upon; that evidence having been given, as stated by the Registrar, with clearness and promptitude. Mr. Gregory considered that the Slaves had been embarked at Cape Lopez.

Adverting to the Place of the embarkation of the Slaves, Mr. Gregory conceived that it was not legal for Portuguese subjects to engage in the Slave Trade at Cape Lopez; he conceived that the Slave Trade could only be legally carried on within the limits prescribed in the 2d Article of the Convention; he conceived that Article to be explanatory of the Treaty of the 22d of January 1822. Mr. Gregory, accordingly, considered that the traffick in which the Magdalena had been engaged was illegal, and that she should be condemned as prize, and that the Slaves belonging to her that had been brought to this Colony should be emancipated.

Mr. Altavilla, His Most Faithful Majesty's Commissary Judge, concurred with Mr. Gregory in his opinion for the condemnation of the vessel, and the emancipation of the Slaves.

Mr. Fitzgerald, while he agreed in the decision in this case, for the condemnation of the vessel, and the emancipation of the Slaves belonging to her, thought it right to point out a distinction which, as he conceived, left the Portuguese Slave Trade on that tract of the Coast of Africa between the Equator and 5 deg. 12 min. South latitude, not so directly and immediately under the strict prohibition of the first Article of the Treaty of Vienna, and the first Article of the Additional Convention, which prohibitions were applied expressly to Slave Trade carried on by Portuguese subjects to the northward of the Equator. That tract, however, was not included in the limits within which the Slave Trade was declared legally open to Portuguese subjects, and, consequently, when a vessel having Slaves on board embarked within that tract was detained legally to the northward of the Line, so that the burthen of the proof of the legality of the embarkation would fall on the Master of the vessel so detained, it would not be possible to establish that legality, and condemnation must follow in consequence. The present case was, as he conceived, precisely of that nature. Mr. Fitzgerald impressed particularly the advantages that Captors would find, even with a view to their own interests and characters, in bringing the Masters and crews of detained vessels to the place of adjudication.

The very persons who intreated most earnestly to be allowed to land at intermediate Places, would, probably, be most forward at any future opportunity in declaring, that they were sent away to prevent them from giving evidence to prove the detention illegal.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

(*Second Inclosure in No.* 34.)

Captain Phillips to The Governor of Princes Island.

His Majesty's Ship Bann, off Princes Island, Sept. 30, 1822.

MAY IT PLEASE YOUR EXCELLENCY,

HIS Most Faithful Majesty The King of Portugal, having agreed, in conjunction with His Britannick Majesty and other Potentates, to suppress, as much as in His power lies, the Traffick in Negroes to the Northward and Southward of the Equator, excepting in such Places as are mentioned in the Treaties relative thereunto, such as Molembo, Cabinda, &c. I have, therefore, to request you will be pleased, as a *Portuguese Officer*, to take charge of the *Portuguese* schooner Magdalena, which has been detained by His Britannick Majesty's ship Bann, for a breach of the aforesaid Treaties, in having on board thirty-eight Negroes not shipped in the Places above specified; and as the danger of the sea renders it unsafe to send the Magdalena to Sierra Leone, I shall carry the Negroes and the other part of her cargo, together with her papers, for adjudication to the Mixed Court of Commission residing at that Place, whilst the vessel remains in your custody either to be released or condemned, as the verdict of the Court may direct, and which I shall take care will be notified to you as early as possible.

I have the honour to be, &c.
(Signed) CHARLES PHILLIPS,
Captain of His Majesty's Ship Bann.

To His Excellency The Governor of the Portuguese Island of Princes.

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(Third Inclosure in No. 34.)

The Government of Prinees Island to Captain Phillips.

(Translation.)

SIR,

THIS Government has received your despatch of the 30th instant. As there is not in this Island any translator of the English language, the Officer, who was the bearer of the despatch, read it, and explained to us that you wished to leave at anchor in this port the schooner Magdalena, prize made by you, with thirty-three Slaves, which you intend to take, with whatever else was on board, to Sierra Leone, in order to their adjudication, leaving only the said schooner at anchor in this Port, until the decision of the Court at Sierra Leone be given.

We, as subjects of the Crown of Portugal, ought to render every assistance that may be asked for by you, or by any others of the Commanders of His Britannick Majesty's vessels provided with proper instructions, and having in view the lawful object of the fulfilment of the stipulations of the existing Treaty. We assure you that you will find the said vessel in the Place where you may direct her to be anchored, except in case of accidents occasioned by tornadoes.

This is all we have to acquaint you with : May Heaven preserve you many years.

Palace of the Provisional Government of the Capital and Island of Princes, 31st of September 1822.

(Signed) JOZE XAVIER GOUZ DE SO, PRESIDENT.
JOZE Mª. DE SOª CONTEL.
BERNARDO JOZE RAPZO.

Charles Phillips, Esq.
&c. &c. &c.

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SIERRA LEONE.—*(Netherlands.)*

No. 35.

Messrs. Gregory and Fitzgerald to W. R. Hamilton, Esq.—(Received June 21.)

SIR, *Sierra Leone, March* 15, 1822.

WE have had the honour to receive your despatch, marked Netherlands, of the 25th October 1821, acquainting us, by direction of the Secretary of State, that the instructions referred to in the Treaty with the Netherlands for the prevention of the Slave Trade, which had been issued to His Majesty's ship Euryalus, upon the West Indian station, had been transferred to His Majesty's ship *Tamar*, of sixteen guns, Captain Sir William Salstonstall Wiseman.

We beg leave to acquaint you, for the information of His Majesty's Secretary of State, that a minute of this transfer of the instructions under the Netherlands Treaty, has been made by the Board of the British and Netherlands Mixed Commission, under date of the 12th of February 1822.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

W. R. Hamilton, Esq.
&c. &c. &c.

No. 36.

Messrs. Gregory and Fitzgerald to Joseph Planta, jun. Esq.—(Received June 21.)

SIR, *Sierra Leone, March* 15, 1822.

WE have had the honour to receive your despatch of the 20th November 1821, acquainting us, by direction of the Marquess of Londonderry, that the Netherlands corvette, *De Komet*, (La Comette) of one hundred and fifty men and twenty-eight guns, Captain Picterzen, under orders for the Western Coast of Africa and for the East Indies, would be furnished with a copy of the Treaty of the 4th of May 1818, and of the Documents thereunto annexed, for the repression of the illicit Traffick in Slaves.

We beg leave to acquaint you, for the information of the Marquess of Londonderry, that a minute of this circumstance has been made by the Board of the British and Netherlands Mixed Commission, under the date of the 12th of February 1822.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

Joseph Planta, jun. Esq.
&c. &c. &c.

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No. 37.

Joseph Planta, Jun. Esq. to the British Commissioners at Sierra Leone (and those at Surinam.)

GENTLEMEN, *Foreign Office, June* 11, 1822.

IN reference to the third Article of the Treaty with the Netherlands for the prevention of the Slave Trade, I am to acquaint you that the instructions therein referred to have been issued to the following of His Majesty's ships, viz:

The *Bann*,.. twenty guns, C. Phillips,..... Commander.
.. *Cyrene*, twenty guns, Percy Grace,..... Commander.
.. *Driver*, eighteen guns, Thomas Woolridge, Commander.

And that the Dutch Instructions issued to the *Pheasant*, *Myrmidon*, and *Morgiana*, will be recalled and cancelled.

I am, &c.
(Signed) JOSEPH PLANTA, JUN.

His Majesty's Commissioners at Sierra Leone, and Surinam.

No. 38.

Messrs. Gregory and Fitzgerald to the Marquess of Londonderry.—(Received September 3.)

MY LORD, *Sierra Leone, June* 30, 1822.

WE have had the honour to inform your Lordship that Mr. Bonnouvrié, Commissioner for His Majesty The King of the Netherlands at this Place, had found it expedient to make a voyage to Elmina Castle for the benefit of his health, with the intention of proceeding to Europe shortly after his return to Sierra Leone.

We have now the honour to acquaint your Lordship that Mr. Bonnouvrié returned to this Colony from the Gold Coast about a month ago, and that he has intimated to us his resolution to return to Europe by the vessel which conveys this despatch to England. This resolution of Mr. Bonnouvrié is sanctioned, as that gentleman has informed us, by the Netherlands Government.

We have been further informed by Mr. Bonnouvrié, on the authority of an official notification received by him, that the Netherlands Government has appointed Mr. I. A. de Marrée to succeed Major Van Sertima in the situation of Judge in the Mixed Court, and that Mr. de Marrée may shortly be expected to arrive at Sierra Leone.

We have the honour to be, &c.
(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Marquess of Londonderry, K. G.
&c. &c. &c.

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No. 39.

Joseph Planta, jun. Esq. to the British Commissioners at Sierra Leone.

GENTLEMEN, *Foreign Office, August* 31, 1822

I AM directed by the Secretary of State to acquaint you, that, by a communication his Lordship has received from the Dutch Ambassador at this Court, under date of the 30th of July last, His Majesty the King of the Netherlands has appointed *Mr. I. A. de Marrée*, late Agent at Elmina, to be His Commissary Judge in the Mixed Court established at Sierra Leone, in the place of M. Van Sertima, in pursuance of the Treaty of the 4th of May 1818, between His Majesty and The King of the Netherlands, and that M. de Marrée is about to proceed to his destination.

I am, &c.

His Majesty's Commissioners, Sierra Leone. (Signed) JOSEPH PLANTA, JUN.

No 40.

Joseph Planta, jun. Esq. to the British Commissioners at Sierra Leone.

GENTLEMEN, *Foreign Office, September* 27, 1822.

I AM directed by Mr. Secretary Canning to acquaint you, for your information and that of your Colleagues in the Mixed Board of Commission in which you are acting, that it appears, by a communication dated the 26th of September instant, from his Excellency the Netherland Ambassador at this Court, that the Netherland frigate, the *Euridice*, of thirty-two guns and two hundred and fifty men, commanded by Captain J. F. C. Wardenberg, about to sail for the East Indies in the course of the present month, will be furnished with a copy of the Treaty between Great Britain and the Netherlands for preventing the Traffick in Slaves, and of the several Documents annexed thereto.

I am, &c.

His Majesty's Commissioners, Sierra Leone. (Signed) JOSEPH PLANTA, JUN.

No. 41.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received May 15, 1823.)

SIR, *Sierra Leone, December* 16, 1822.

WE have the honour to inform you that Major de Marrée, Judge for His Majesty The King of the Netherlands in the British and Netherlands Mixed Court of Justice, arrived here on Tuesday the 26th of November.

On the Thursday following he exhibited to the British Commissioners the Commission of his Sovereign, and the British Commissioners exhibited His Majesty's Commission. Major de Marrée then took the oath prescribed by the Treaty, which was administered by the Chief Justice, Mr. Fitzgerald, as principal Magistrate of the Colony, in the absence of Governor Sir Charles M'Carthy.

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On the next day the Court sat for the dispatch of business: an order was passed declaring the Court to be open to all parties, when the Commissioners should be engaged in the exercise of their judicial functions. The Court then proceeded to consider the case of the Netherlands schooner Aurora, a statement of which case is communicated in a separate despatch.

We have the honour to be, &c.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Right Hon. George Canning,
&c. &c. &c.

No. 42.

Messrs. Gregory and Fitzgerald to Mr. Secretary Canning.—(Received May 15, 1823.)

(Extract.) *Sierra Leone, December 11, 1822:*

THE case of the schooner *Aurora*, taken at the Gallinas, in latitude 7 deg. 2 min. North; longitude 11 deg. 37 min. West; will appear by the abstract which we have the honour to inclose, to have been founded on a small embarkation of Slaves at a Place called Sugaree, which Slaves were subsequently landed and placed in the factory where the Slaves intended for the general supply of the Aurora were kept.

After the detention, the Captor, Captain Grace, of His Majesty's ship Cyrene, sent a boat with an Officer to demand the Slaves collected in the factory for the Aurora, but the Master of that vessel, in conjunction with the Master of a French Slave-trading vessel, named the Hypolite, then at the Gallinas, and the greater part of the crews of both these vessels, opened a fire on the boat from a wood. The boat's crew returned the fire and immediately landed, upon which the assailants retired abandoning the Slave factory, from whence the Slaves had been removed to a place of greater security. The boat's crew pushed on, according to the information received respecting the removal, and on their approach to the place to which they were directed, a fresh fire was opened on them from a battery, upon which the Masters of the Slave-trading vessels had caused three twelve-pounders to be mounted, and by showers of musketry from the woods; the natives having been induced, by the persuasion of those Masters, and by the distribution of gunpowder and rum, to take part in these acts of hostility.

The party in the boat landed and took the battery and burnt the native town, but the Slaves sought for had been carried further off: a negotiation was, however, opened by Captain Grace with the Native Chief, in consequence of which a considerable number of the Slaves were given up and brought to Sierra Leone with the vessel.

On Friday the 29th of November, Major de Marrée, Judge of His Majesty The King of the Netherlands, having previously taken his seat in the Court, the Aurora was condemned by an unanimous judgment as lawful prize to the Crowns of Great Britain and the Netherlands, and all the Slaves brought to the Colony on board of her were emancipated.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

The Right Hon. George Canning,
&c. &c. &c.

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(Inclosure in No. 42.)

Case of the Netherlands Schooner Aurora, *Benjamin Liebray, Master.*

THIS schooner was taken on the 23rd of October 1822, at the Gallinas in lat. 7 deg. 2 min. N, long. 11 deg. 37 min. W.; under Netherlands colours, by His Majesty's ship Cyrene, Captain Grace, on the ground of being engaged in illegal Slave Trade.

The papers connected with the outfit of the vessel are in the Dutch language, and are dated at the Dutch West India Islands of St. Eustatius and St. Martin: among them is a sea pass for twelve months, dated St. Eustatius, the 17th of May; a muster roll dated at the same place the same day, containing the names of seventeen men; another muster roll, dated St. Martin, the 18th of May, containing the names of eight additional men and two boys, making the whole ship's company twenty-five men, and two boys, a number which could not be necessary or expedient, except for the Slave Trade. There is a clearance from St. Martin for Elmina with merchandize, dated the 3rd of June 1822.

Benjamin Liebray, of St. Eustatius, is named in these papers as Owner of the vessel. This Liebray is a subject of His Majesty, The King of the Netherlands. The log-book takes the departure for the voyage from the Danish Island of St. Thomas, the 6th of June 1822.

The two seamen examined on the standing interrogatories, say, that the cargo was shipped at that Island: but they also say that the whole of the crew, including themselves, entered there, which is not consistent with the muster rolls from Eustatius and St. Martin's of prior date, where their own names are found.

The log-book is in the French Language.

The particulars previously mentioned, respecting the time and place of capture, are stated in the affidavit of Mr. Winsor, Master's Mate of the Cyrene, and Prize Master of the Aurora. Captain Grace omitted to send the usual declarations of the circumstances of the Capture, and of the state in which the vessel was found by him. There was not any document to shew whether there were Slaves on board at the time of capture or not. There were circumstances current in report, which led to a presumption that there were not any Slaves on board when the capture was actually made, and that those brought to Sierra Leone on board of her, one hundred and seventy-nine in number, were obtained after the capture by means of a negotiation with Siaca, the Native Chief of the Gallinas.

The examination of Joseph Rowley, a seaman belonging to the Aurora, upon the standing interrogatories, afforded proof that the Aurora was engaged in the Slave Trade, and that actual purchases and shipments of Slaves had taken place at Sugaree, near Cape Mount, which Slaves were subsequently conveyed to the Gallinas, to be kept there until the full number should be completed. John Alexander, the cook, confirmed this statement by his answer to special interrogatories put on the part of the Captors, although he was evidently adverse to making any disclosure of facts of this nature.

Nothing yet having appeared in evidence to connect the general cargo of Slaves brought to Sierra Leone in the Aurora with the case, special interrogatories were put to Rowley and Alexander for the purpose of obtaining a disclosure of all the circumstances within their knowledge concerning the embarkation of these Slaves, and for the purpose of ascertaining whether the Slaves that they had seen previously on board at Sugaree were among them.

The account given by these men of the general embarkation having been made entirely by the boats of the Cyrene, was not sufficient to connect the Slaves with the case, so as to bring them under the operation of the Treaty. The Cook, Alexander, however, said he recognized two of those who had been on board at Sugaree among those brought to Sierra Leone.

It had already been suggested to the Agent for the Captor, that he should connect the Negroes with the ship by proof; and he proposed, for this purpose, to substitute the Captor's letter to him, and some letters of Siaca, the native chief, by permission of the Court, for the usual declaration, as the best means of putting the Court in possession of the evidence required. He was aware that the facts contained in these papers would still be insufficient.

It was suggested to the Agent, that the Prize Master might probably have a personal knowledge of the material facts of the demand made, of the grounds of the demand, and of the delivery of the Slaves in consequence. The Agent being aware that the Prize Master was employed in the boats, during the transactions by which the delivery of the Slaves were obtained, readily availed himself of this suggestion.

An affidavit of Mr. Henry Winsor, the Prize Master of the Aurora, and Master's Mate of the Cyrene, was in consequence filed.

This affidavit states, that Captain Grace, having taken the Aurora on the 23rd of October, on the ground that she was engaged in illegal Slave Trade, despatched the boats on the morning of the 25th to request the delivery of the Slaves belonging to her; that a fire of musketry was opened on the boats, which they returned; that the party landed on the Island from which the fire proceeded, and found there a large Slave factory. Two Frenchmen, who were in the factory, gave information that the Slaves belonging to the Aurora had been removed to the main land. The boats proceeded in search, taking the Frenchmen with them. On approaching the Place, they were assailed by a fire from a battery on which three twelve-pounders were mounted, and by showers of musketry from the bush. The party in the boats pushed in and took the battery,

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spiked the guns, and set fire to the native town, the inhabitants of which had, with musketry, assisted the Europeans of the Aurora, and of a French schooner, called the Hypolite, by whom the guns of the battery were served. The boats returned to the Cyrene. On the 27th, Captain Grace despatched them again to request the surrender of the Slaves of the Aurora from Siaca, the native chief, who readily gave them up, to the number of one hundred and eighty, saying, that the Master of the Aurora had made trade for two hundred and twenty, but those that were delivered up were all that were in his possession. Siaca, at the same time, made many excuses for the attack on the boats, which he charged entirely on the Masters of the Aurora and Hypolite, saying, that they had taken advantage of his (Siaca's) absence to induce the natives, by giving them rum, and by supplying them with powder and shot, to take part in it, and when the boats had effected a landing, ran away, leaving the town and the inhabitants to their mercy.

This affidavit fully supplied the previous deficiency of proof, and shewed that the Slaves were demanded and delivered up, and brought hither in the schooner in due and legal course.

The British Commissioners, having learned that M. De Marrée, appointed Judge in the Mixed Commission for His Majesty The King of the Netherlands, had arrived at St. Mary's, Gambia, on his way to the Colony, thought it right to defer the decision of this case until he should arrive.

M. De Marrée arrived on Tuesday the 26th of November; he availed himself of the earliest opportunity to consider the ship's papers, and the documentary and oral evidence touching the case, and was convinced, in common with the British Commissioners, that the vessel was illegally engaged in the Slave Trade, and that the Slaves brought on board of her were legally obtained by the Captors, and were subject to the operation of the Treaty.

On Friday the 29th of November, the decision of the British and the Netherlands Mixed Court was pronounced. By the unanimous opinion of the Commissioners, the vessel was condemned as lawful prize to the Crowns of Great Britain and the Netherlands, and the Slaves belonging to her were emancipated; they were one hundred and seventy-nine in number, one having died on the passage to Sierra Leone, out of one hundred and eighty delivered up to Captain Grace by the Chief of the Gallinas.

(Signed) E. GREGORY.
EDWARD FITZGERALD.

No. 43.

Mr. Secretary Canning to the British Commissioners at Sierra Leone (and those at Surinam.)

GENTLEMEN, *Foreign Office, April* 19, 1823.

IN reference to the instructions conveyed to you by the late Marquess of Londonderry in his despatch of February 19, 1819, inclosing copies of the Treaty concluded at the Hague, May 4, 1818, for preventing the illegal Slave Trade; and in reference to subsequent correspondence, regarding a proposed extension of that Treaty, I now furnish you with ten copies of certain Articles explanatory of, and additional to, that Treaty, which were signed at Bruxelles on the 31st of December 1822, and the 25th of January 1823, between the Plenipotentiaries of His Majesty and The King of the Netherlands, duly authorized to that effect.

You will consider these Articles as binding upon you, for the guidance of your conduct, in giving effect to His Majesty's intentions in regard to the stipulations therein recorded.

I am, &c.
(Signed) GEORGE CANNING.

His Majesty's Commissioners at Sierra Leone, and at Surinam.

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HAVANNAH.

No. 44.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—(Received April 15.)

My Lord, *Havannah, March 3, 1822.*

THE case of the *Antoñica*, which we mentioned to your Lordship in our despatch of the 10th December of last year, as having been referred to the Spanish Tribunals, has not yet been decided.

Law proceedings have been carried on for some time, between the Owner of the Privateer which captured the Negroes, and the Captain of the Antoñica; but it does not appear that the latter has been prosecuted by the Government for being engaged in the illicit Traffick of Slaves.

We understand that the delay in the decision of this case is occasioned by the difficulty of determining to what Tribunal the cognizance of the cause properly belongs. In the mean time, the Negroes have been given up to the proprietors, who have given security to bring them forward whenever they shall be called upon.

No vessel has been permitted to enter this Port, publickly, with Negroes, since the date of our despatch of the 30th of October, of last year. Some vessels, however, of a suspicious description have been admitted—namely, the French schooner *Louisa*, Captain Precau, on the 26th January, in ballast, from Batabano, where, in all probability, she left her cargo of Negroes; and the *Maria Josefa*, Captain Juan Batista Zabala, also in ballast, on the 5th instant, stated to be from St. Thomas's. This last vessel cleared out from this Port, for Africa, generally, on the 16th August last.

These are certainly suspicious cases; but we have no means of discovering that the vessels were actually engaged in illicit Traffick of Negroes.

We have, likewise, reason to believe that many Negroes have been lately introduced into several uninhabited parts of the coast, but this is a description of illicit traffick respecting which it is next to impossible for us to obtain correct information; and which, indeed, considering the extent of the coast and the almost organized system of smuggling of every description carried on in this island, it will be very difficult to prevent.

The low prices of colonial produce, which diminish the demand for Negroes and the ability to pay for them, will be the best check to this illicit traffick, until the Spanish Government shall be induced to enact, and, above all, to enforce such vigorous laws as have been found necessary in our own Islands.

We have the honour to be, &c.

(Signed) H. THEO. KILBEE.
R. F. JAMESON.

The Marquess of Londonderry, K. G.
&c. &c. &c.

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No. 45.

Messrs. Kilbee and Jameson to W. R. Hamilton, Esq.—(Received April 15.)

SIR, *Havannah, March 3, 1822.*

WE have the honour to acknowledge the receipt, on the 22d ultimo, of the letter which you addressed to us under date the 20th November, respecting the communications which we have hitherto made on the subject of the illicit Traffick in Slaves, which is still carried on by the subjects of His Catholick Majesty, and we are most happy to find that our conduct has merited the approbation of the Marquess of Londonderry.

The communications hitherto made to you by His Majesty's Commissary Judge, which have occasioned representations to the Spanish Government, have been confined to the cases of open violations of our Treaty, which the Authorities here thought themselves justified in permitting. Such transactions, however, are now no longer likely to recur, every pretext for them being done away, by the orders lately issued by the Government in Spain to carry punctually into effect the stipulations of that Treaty. The cases upon which hereafter we shall have to report will probably be those of illicit traffick, of which we must presume the Government here to be ignorant. Upon such cases it will be very difficult for us to obtain correct information, isolated as we are, and unconnected with both the agricultural and commercial classes. Every man considers it to be his interest to conceal from us all information upon this subject. Loose and vague reports we may collect; but we think it incumbent upon us to state, explicitly, that, from experience, we know it will be extremely difficult for us to obtain correct and precise information; we shall, however, in obedience to your instructions, do all in our power to obtain information upon the subject of illicit Traffick of Slaves, and transmit the same to His Majesty's Government; but we have thought it right to make the foregoing observations, in order that you may be aware of the difficulties of the situation in which we are placed, and that you should not be disappointed if our utmost exertions are not attended with the results so earnestly desired by our Government and ourselves.

We have the honour to be, &c.

(Signed) H. THEO. KILBEE.
R. F. JAMESON.

W. R. Hamilton, Esq.
&c. &c. &c.

No. 46.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—(Received June 25.)

(Extract) *Havannah, May 6, 1822.*

SINCE the date of our despatch of the 3d March to your Lordship, the following cases have occurred, which appear to us to afford sufficient ground for believing that the vessels concerned have been, or are about to be, engaged in Illicit Traffick in Slaves.

On the 19th February, the Spanish schooner *San Rafael*, Captain Don Francisco Chuncburreta, cleared out from hence for St. Thomas and other Portuguese Islands on the Coast of Africa, where, there can be little doubt, her object is to purchase Negroes.

On the 16th March, the Portuguese schooner *Paquete*, Captain Don Jose Maria Nieves, arrived here in ballast, said to be from the Danish Island of

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St. Thomas. This vessel has been employed for several years in the Slave Trade, between this Port and the Coast of Africa.

On the 14th April, the French schooner *l'Irene*, Captain P. du Pavillon, arrived here in ballast from St. Thomas, on the Coast of Africa. The two last mentioned vessels had in all probability, previously to their arrival at this Port, landed their cargoes of Negroes on some part of the coast of this Island.

On the 16th April, sailed from hence for Africa, the Spanish schooners *Amable Socorro*, Captain Don Jose Inzua, an old Slave-trader, and the *Josefa*, Captain Don Jose Moyano. This is the same vessel mentioned in our despatch to your Lordship of the 3d of March, as having sailed for Africa in August 1821, and having returned in ballast on the 5th of February last.

We took an opportunity of putting into the hands of the Captain General a memorandum, detailing the particulars of the above mentioned cases. When His Excellency had perused it, he readily admitted that those of the *Paquete* and the *Irene* were of a suspicious description, but he assured us that he had no means of ascertaining that they had actually been engaged in illicit traffick of Slaves. With respect to those vessels which had cleared out for Africa, His Excellency said that he would repeat the orders which he had already given to the Custom House department upon that subject.

We were particularly careful to avoid giving to the observations we made upon this occasion the appearance of a remonstrance, which we do not consider ourselves to be authorized to make to the Authorities of His Catholick Majesty; and we expressly stated to the Captain-General, that we submitted to him the memorandum, not by any means for the purpose of pointing out to his Excellency the line of conduct which he ought to adopt, but merely because we thought it a mark of respect due to him, that he should be apprized of those apparent violations of our Treaty, which we felt it to be our duty to report to our Government.

On the 25th of March, the United States sloop of war, *Porpoise*, arrived here with the American schooner *Mary*, which she had detained for having seventeen Negroes on board, shipped at Truxillo. This schooner was part freighted by the Spanish Government, and had forty five soldiers on board. The Negroes were claimed here as being the property of Spanish subjects. The schooner has been sent to The United States for adjudication.

(Signed) H. T. KILBEE.
R. F. JAMESON.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 47.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—(Received June 25.)

MY LORD, *Havannah, May 6, 1822.*

WE have the honour to inform your Lordship that Colonel Don Rafael Quesada has been appointed Commissioner of Arbitration of this Mixed Commission, on the part of His Catholick Majesty, in the room of Don Francisco Arango, who has been named a Counsellor of State. M. Quesada has not yet taken the oath prescribed by Treaty, nor have we seen the Commission under which he has been appointed to act.

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The vacancy occasioned by the death of Don Alexandro Ramirez, late Spanish Commissary Judge, has not yet been filled up by the Government at Madrid.

We have the honour to be, &c.

(Signed) H. T. KILBEE.
R. F. JAMESON.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 48.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—
(Received October 9.)

MY LORD, *Havannah, July 20, 1822.*

It is with great regret that we have the honour to inform your Lordship that His Excellency Don Nicholas Mahy, Captain-General of this Island, died on the 19th inst. of the yellow fever, after an illness of five days. He was universally esteemed, and his loss will be severely felt. In both our publick and private character, we have uniformly received from him every mark of attention; and we think it but just to add, that if, during his administration, the object of our mission here, namely, the suppression of the illicit Traffick of Slaves, has not been attained, it is more to be attributed to the defective state of the Laws than to any want of zeal on his part; as we have reason to believe that his private opinions were sincerely favourable to the abolition, as well from motives of humanity, as from the persuasion that the permanent welfare of this Island depends upon that measure being carried into effect.

Brigadier-General Kindelan has succeeded, *ad interim*, to the chief command here.

We have the honour to be, &c.

(Signed) H. T. KILBEE.
R. F. JAMESON.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 49.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—
(Received October 9.)

MY LORD, *Havannah, July 22, 1822.*

ON the 10th instant, the United States ship Hornet, Captain Hensley, brought into this Port the French brig *Theodore*, J. L. Lecuyer, Master, having on board one hundred and sixty Negroes, shipped on the Coast of Africa, and consigned to Messrs. Martin, Stouder, and Co. of this Place. This brig was captured not far from Matanzas, on the 6th instant, by the Columbian privateer, General Paez, and re-captured by the Hornet on the 9th.

On the 11th instant, the French frigate, l'Antigone, Captain Ducrest Villeneuve, arrived here from Vera Cruz; and we are informed that Captain Hensley, of the Hornet, proposed to Captain Villeneuve to deliver up to his charge the brig *Theodore* and her cargo, but that the latter declined receiving them. On the 14th the Hornet sailed from hence with her prize, but the

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latter, owing to some accident, was obliged to put back the same day; she, however, finally sailed for Charleston on the 16th, having one of the Lieutenants of the Hornet on board.

Since the date of our despatch of the 6th of May, two vessels have entered this Port under suspicious circumstances, namely, the French brig *La Rose*, M. Thomas, Master, on the 9th ult. in ballast, from the Danish Island of St. Thomas, and the French schooner *Adolphe*, P. Lamarque, Master, on the 18th instant, likewise in ballast from Guadaloupe. The number of the crews of these vessels (twenty-one, and fifteen), which are greater than their tonnage, upon ordinary occasions, would require; their arrival in ballast, one from St. Thomas, the common cloak for all illicit Slave Trade, and the other from Guadaloupe, with which this Place has no commercial connection whatever, and their being consigned to a French house here, which, report says, is largely concerned in illicit Traffick of Negroes, are circumstances which justify our suspicions that these vessels, previously to their arrival at this Port, had landed Negroes on the coast; but still we know from experience, that they are not sufficiently specifick to warrant the expectation of any beneficial result, arising from a representation on our part to the Government upon the subject.

We have lately learnt that the illicit Slave Traders, becoming bolder from the impunity with which they have hitherto carried on their dealings, have actually brought some Negroes for the purpose of selling them to the Barracones or Depots outside the town, where formerly, during the continuance of the traffick, the newly imported Slaves were exposed for sale. As soon as we were apprized of this circumstance, we determined to mention it to the Captain General, but were prevented by a domestick misfortune which happened in His Excellency's family. We, however, requested one of his Secretaries to state the circumstance to His Excellency, and to inform him that we should take an early opportunity of drawing his attention to it. His subsequent illness, which unfortunately terminated in his death, again prevented us from carrying our intention into effect; but no time shall be lost in bringing under the consideration of the new Governor-General, Kindelan, this particular case, and the general subject of the illicit Traffick of Slaves, well known to be carried on in this Island.

It must, however, be acknowledged, that in the present defective state of the Spanish Law, it is not surprising that such transactions should be carried on with impunity. Your Lordship is aware that the Decree of His Catholick Majesty, issued in consequence of our Slave Trade Treaty, is conceived in the most loose and vague terms; its execution is not committed to any particular Department, and is therefore neglected by all. And, above all, no reward is offered to the Informer, so that, in this contraband Traffick, which is the most easily carried on, and in the continuation of which almost every man in the Island is interested, no recompense is granted for its detection, although, in all other smuggling transactions, the Judge and the Informer both receive considerable shares of the confiscated property. It is probable, therefore, that so long as the Law in question remains unaltered, it will continue, as hitherto, to be a mere dead letter.

We have the honour to be, &c.

(Signed) H. T. KILBEE.

R. F. JAMESON.

The Marquess of Londonderry, K. G.
&c. &c. &c.

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No. 50.

The Marquess of Londonderry to the British Commissioners at the Havannah.

(Extract.) *Foreign Office, July 27, 1822.*

I HAVE received your despatch of the 6th of May, detailing your proceedings in respect to several suspicious cases which had occurred at the Havannah, and which appeared to you, to afford sufficient ground for belief, that the vessels concerned have been, or are about to be, engaged in illicit Traffick in Slaves.

Your communication with the Spanish Governor, appears to have been conducted with great prudence and judgment.

It appears to me, that it would be advantageous to the effectual suppression of the Traffick in Slaves, that you should continue to intimate to the Spanish Governor the substance of such communications as to facts, that you may think yourselves warranted to make to me, as an indirect mode of exciting the attention of the Spanish Government, and of enabling His Majesty's Government to assume, that the Spanish Government will not be unapprized of such facts, on which it may be found necessary to remonstrate against abuses, that may be so practised in contravention of the Treaty.

I have full reliance on your prudence and discretion in executing this more delicate part of your duty.

(Signed) LONDONDERRY.

The British Commissioners at the Havannah,
&c. &c. &c.

No. 51.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—(Received October 9.)

(Extract.) *Havannah, August 2, 1822.*

SINCE the date of our despatch of 22d July, we have had an opportunity of conversing with the new Captain-General, Kindelan, upon the subject of the illicit Traffick in Slaves still carried on throughout this Island.

We began the conversation by premising to General Kindelan, what we stated upon a former occasion to his predecessor, namely, that the observations we were about to offer were not, by any means, intended as a remonstrance, which we were not authorised by our Government to make to the Authorities of His Catholick Majesty, but merely because we thought it right that he should be apprized of the violations of our Treaty, which we felt it to be our duty to report to our Government.

We then mentioned the suspicious cases of the French vessels stated in our despatch of 22d July, the notoriety of Negroes being continually landed upon different parts of the coast, and the fact that there were then actually Slaves for sale at the Barracones, or depôts, outside the town.

General Kindelan, in reply, stated, that with respect to the French vessels, although they were very suspicious cases, he had no means of acquiring proofs of their having been engaged in the illicit Traffick of Slaves: he admitted the notoriety of Negroes being landed on the coasts, but stated the impossibility of the Government being able to guard against that species of illicit traffick, considering the great extent of the coast of the Island, and the few Ports at which there were Authorities residing:—he added that his juris-

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diction as Civil Chief did not extend all over the Island, but was confined to the Province of the Havannah.

With respect to the circumstance of Negroes being actually on sale at the Barracones, he promised to put a stop to such a scandalous violation of Treaty, and he concluded by assuring us, generally, that, so long as he remained in possession of the chief Authority, he would do all in his power to put an end to illicit Traffick in Slaves.

It is scarcely necessary to point out to your Lordship how entirely unproductive of any advantage have been the representations which, upon various occasions, we have made to the Chief Authority of the Island. We have been always well received, and redress, as far as it was practicable, promised; but the illicit Slave Trade increases, and is daily carried on more systematically. The first alarm at the danger of the Negroes being declared free is gradually passing away, and the failure of the attempt of the Count Torreno to render more effectual the Law respecting the abolition, together with the little interest manifested by the Government upon the subject, has generally given rise to the opinion that the Spanish Nation and Government are very indifferent about it, or do not dare, in the present state of their American Possessions, to offend the only Colony which has remained tranquil and faithful, by enforcing the execution of a measure which is in the highest degree unpopular. We have no hesitation in giving it as our opinion, that, but for the large stock of Negroes imported during the three years previous to the abolition, and the present very low price of sugar, the Slave Trade would, at this moment, be as brisk and extensive as during any period whatever.

Such a state of things existing before our eyes, is most painful and mortifying to us, but your Lordship is aware that every thing, consistent with our powers and instructions, has been done on our part to put a stop to it.

On the 26th ultimo, the French brig *l'Aimable Henriette*, (an old Slave-trader), C. Gozan, Master, entered this Port in ballast, from, as alledged, the Danish Island of St. Thomas; and on the 29th the Portuguese schooner *Paquete*, J. J. Nieves, Master, cleared out for St. Thomas, Cape de Verde Islands. This is the same schooner which we mentioned in our despatch to your Lordship of 6th of May, as having entered this Port under very suspicious circumstances.

We have the honour to be, &c.
(Signed) H. T. KILBEE.
R. F. JAMESON.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 52.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—(Received November 9.)

MY LORD, *Havannah, August* 30, 1822.

WE are happy to have an opportunity of reporting to your Lordship a case in which the present local Government here has manifested a disposition to check illicit Traffick in Slaves.

On the 9th inst., the American brig *Eros*, J. Demeron, Master, entered this Port from Baltimore, having on board forty-two Negroes. She was said to be bound to New Orleans, and to have come in here in distress. It is, however, generally believed that the Negroes were intended to have been disposed of at this Place, if that could have been done with advantage to the proprietor.

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As soon as the Captain-General was apprized of the circumstance of Negroes being on board of this vessel, he ordered her to put to sea with the least delay possible, and directed that a guard should be sent on board, in order to prevent the Negroes from being landed, and maintained at her expence during her stay in this Port. The vessel sailed again for New Orleans, with the forty two Negroes on board, on the 11th instant.

The Captain-General has likewise put a stop to the shameful practice which existed of selling Negroes at the Barracones, or Depôts, outside the town, as stated in our last Despatch, but we do not understand that any steps have been taken for the punishment of those who had thus violated the Laws of this Country and the Treaty.

On the 23d and 24th inst. cleared out from this Port, for San Thomas, on the Coast of Africa, the Spanish schooners *Rosalia*, Don Santiago Manzano, Master, and the *Nieves*, Don Juan Manso, Master.

We have the honour to be, &c.

(Signed) H. T. KILBEE.
R. F. JAMESON.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 53.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.— (Received November 11.)

(Extract.) *Havannah, September 26, 1822.*

ON the 13th inst. the French schooner *Marie*, H. Guyot, Master, entered this Port from the Coast of Africa, with one hundred and seventy-six Negroes. The Master stated that his destination was Martinique, but that having been chased by a Pirate, he had been obliged to alter his course and enter this Port.

This improbable story is, of course, utterly unworthy of credit, and was framed for the purpose of furnishing an excuse for a Slave-ship entering this Port, where the Master hoped to be able to dispose of his cargo. The vessel, however, was ordered to leave the harbour as soon as possible, and a guard of soldiers was put on board, to prevent the Negroes from being landed, until the departure of the vessel, which took place on the following day, when she sailed avowedly for Martinique.

Within these few days we have learnt, with great regret, that Negroes have been again exposed for sale at the Barracones outside the town; and there is too much reason to believe that they formed the cargo of the above-mentioned French schooner, having been probably landed on the coast shortly after their departure from this harbour, and marched by night to the Barracones.

(Signed) H. T. KILBEE.
R. F. JAMESON.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 54.

Mr. Secretary Canning to R. F. Jameson, Esq.

SIR, *Foreign Office, November 12, 1822.*

YOUR letter of the 3d of September 1822, (marked private) addressed to The Earl of Clanwilliam, has been laid before me, and I have to convey to you His Majesty's gracious permission for you to repair to England in the course of the ensuing Spring, upon leave of absence, for the recovery of your health; such leave of absence to continue for the period of your voyage to England

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for six months residence in this Country, and for the period of your voyage back to the Havannah.

You will take care to give due notice of your leave and of your intention of availing yourself of it, both to the Board of which you are a Member, and also to the local Authorities.

I am, &c.
(Signed) GEORGE CANNING.

R. F. Jameson, Esq.

No. 55.

Messrs. Kilbee and Jameson to the Marquess of Londonderry.—(Received February 11, 1823.)

(Extract.) *Havannah, November 14, 1822.*

Since the date of our last despatch we have conversed with the Captain-General upon the subject of the Sale of Negroes at the Barracones; and he has again assured us that he would put an effectual stop to that violation of his orders, and of our Treaty. We have not heard that any Negroes have since that conversation been exposed to sale.

When the case of the *Antonica*, as reported in our despatch of December 10th of last year, came before this Mixed Commission, it was generally believed that the Slaves would be emancipated; and great alarm was excited from the danger to which it was supposed such a measure would expose this Island. General Mahy, then Captain-General, mentioned his intention of writing to the Spanish Government upon the subject, and we have since learnt that he had come to the resolution of suspending the execution of our Decree, had it been to the effect of declaring the Negroes free. We have now, however, the satisfaction of acquainting your Lordship, that the Authorities here are again directed to carry strictly into effect all the stipulations of the Slave Trade Treaty, and that the Spanish Government does not consider the fears excited upon this occasion to be just or well-founded.

The case of the Negroes belonging to the Antonica remains in the same state as reported to your Lordship in our Despatch of the 3d of March. Orders, we have heard, have been received from Madrid to send there all the documents respecting the case. But the parties concerned will either find means to evade the execution of these orders, till the matter be entirely forgotten;—or, should they be compelled to forward the documents, and a final decision be given pronouncing the emancipation of the Negroes, such a period will probably elapse before that event can happen, that they will be enabled, without difficulty, to procure documents proving the death of the greater part, if not of all the Negroes, and thus evade the ends of justice.

On the 7th instant, the Spanish schooner, *Amable Socorro*, Captain Don Jose Insua (whose departure from this Port was reported in our Despatch of 6th May) arrived here in ballast from the coast of Africa. The Captain stated, that he had been robbed of all his cargo, consisting of gold-dust and ivory, by an insurgent privateer, off Cayo Guinches; the common report, however, is, that he landed a number of Negroes on the coast very near this Port, if not actually within the harbour. Your Lordship will perceive how little any effectual exertions for the suppression of illicit Traffick in Slaves are to be expected from the Authorities here, when such an excuse is allowed to pass unexamined.

(Signed) H. T. KILBEE.
R. F. JAMESON.

The Marquess of Londonderry, K. G. &c. &c. &c.

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No. 56.

Mr. Secretary Canning to the British Commissioners at The Havannah.

GENTLEMEN, *Foreign Office, November 26, 1822.*

I SEND to you for your information and guidance, the copy of a Despatch, addressed on the 22d February 1822, by the King's command, to His Majesty's Minister at Madrid, proposing that the provisions of the Slave Trade Treaty of the 23d of September 1817, for the case of the death of one or more of the Commissioners, shall extend to the case of vacancies occurring in the Commissions from illness, or absence on leave;—2dly, the copy of a Despatch, dated the 17th of June 1822, from His Majesty's Minister at Madrid, expressive of the willingness of that Court to adopt the proposed extension of the provisions of the Treaty;—3dly, the extract of a Despatch, dated the 27th of June 1822, likewise from His Majesty's Minister at Madrid, stating that the Spanish Minister had promised that orders to the effect above mentioned should be sent out, without delay, to the Commissioners of His Catholick Majesty. And, 4thly, I furnish you with the copy of an Instruction which I addressed, on the 25th of September 1822, by The King's command, to His Majesty's Envoy at Madrid, inclosing a project of an Additional Article for sanctioning, in a formal manner, the details of the arrangement in question.

So soon as any more specifick arrangement is agreed upon between the Parties, I shall lose no time in taking His Majesty's pleasure for forwarding the same to you for your guidance.

In the mean time you will endeavour to come to an agreement with your fellow Commissioners, to act in the spirit of the intended arrangement.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners at the Havannah.

No. 57.

Messrs. Kilbee and Jameson to Mr. Secretary Canning.—(Received March 11, 1823.)

SIR, *Havannah, December 26, 1822.*

WE have the honour to acknowledge the receipt of your circular Despatch of the 16th September, notifying to us that The King has been graciously pleased to appoint you His Majesty's Principal Secretary of State for Foreign Affairs, and directing us to address to you our Despatches and letters upon publick business.

We have the honour to be, &c.

(Signed) H. T. KILBEE.
R. F. JAMESON.

The Right Hon. George Canning,
&c. &c. &c.

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No. 58.

Messrs. Kilbee and Jameson to Mr. Secretary Canning.—(Received March 1.)

SIR, *Havannah, January 23, 1823.*

SINCE the date of our Despatch of the 14th November of last year, addressed to the Marquess of Londonderry, two vessels have entered this Port under suspicious circumstances, namely, the Portuguese schooner *Paquete*, Don Jose Maria Nieves, Captain, on the 29th ult., and the French brig *Coureur*, M. G. Verrier, Captain, on the 19th instant, both avowedly from the Danish Island of Saint Thomas; the former is an old Slave-trader with this Port, and sailed on the 29th July last for the Cape de Verd Islands, as reported in our Despatch of the 2d of August of last year.

These vessels both arrived in ballast, but there is little doubt that they had previously landed Negroes on the Coast. We have not yet mentioned the subject to the Captain-General, who has been indisposed lately, but we shall take an early opportunity of doing so, although we cannot expect that much advantage will be derived from such a measure, since His Excellency, in a conversation reported to the Marquess of Londonderry in our above-mentioned Despatch, declared, that he had no means of acquiring proofs of the illegality of the voyages of vessels which had entered this Port under precisely similar circumstances of suspicion as those mentioned in this Despatch.

The illicit Traffick of Slaves with this Island has certainly diminished within the last few months; but we have no hesitation in giving it as our opinion, that this diminution is to be attributed solely to the general distress, as well agricultural as commercial, which has existed here for some time, and by no means to any increased exertions on the part of the Authorities for the suppression of the traffick.

We have the honour to be, &c.

(Signed) H. T. KILBEE.
R. F. JAMESON.

The Right Hon. George Canning,
&c. &c. &c.

No. 59.

R. F. Jameson, Esq. to Mr. Secretary Canning.—(Received April 7.)

SIR, *Havannah, February 16, 1823.*

I HAVE the honour to acknowledge the receipt of your letter of the 12th of November last, in which you communicate His Majesty's gracious permission for me to repair to England, in the course of the ensuing Spring, on leave of absence.

Permit me, Sir, to thank you for the early and obliging attention you have given my request. I purpose availing myself of the permission about the beginning of May, and shall take care, pursuant to your directions, to give due notice of my intention, both to the Board of which I am a Member, and to the Local Authorities.

I have the honour to be, &c.

(Signed) R. F. JAMESON.

The Right Hon. George Canning,
&c. &c. &c.

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No. 60.

Messrs. Kilbee and Jameson to Mr. Secretary Canning.—(Received April 7.)

SIR, *Havannah, February 27, 1823.*

WE have the honour to acknowledge the receipt of your Despatch of the 26th November of last year, in which you have been pleased to apprize us of the proposition made by His Majesty's Government to that of His Catholick Majesty, to the effect that the provisions of the Treaty of the 23d September 1817, for supplying vacancies in the case of the death of the Commissioners, should extend to the case of vacancies from illness or absence on leave.

We have communicated the substance of your Despatch to the Spanish Commissioners, who have not yet received any instructions from their Government upon the subject in question; they have, however, expressed their readiness to act in the spirit of the intended arrangement, whenever circumstances shall so require it.

We have the honour to be, &c.

(Signed) H. T. KILBEE.
R. F. JAMESON.

The Right Hon. George Canning,
&c. &c. &c.

No. 61.

Messrs. Kilbee and Jameson to Mr. Secretary Canning.—(Received April 7.)

SIR, *Havannah, February 27, 1823.*

SINCE we last had the honour of addressing you upon the subject of illicit Slave Trade, two vessels have cleared out from this Port for the Island of St. Thomas, on the Coast of Africa, namely, the Spanish schooners *Descamisada*, Don Juan Sandrino, Master, stated in general terms to be laden with effects, and the *Amable Socorro*, Don José Inzua, Master, with colonial produce; both on the 1st instant. This last is an old Slave-trader, and we have frequently had occasion to mention her in our Despatches.

We have lately had a conversation with the Governor upon the subject of these and the other suspicious cases mentioned in our Despatch of the 23d of January, viz. the Portuguese schooner *Paquete*, and the French brig *Courrier*. With respect to the latter, His Excellency said that it was very possible they might have been engaged in the Slave Trade, but that the circumstance of their having arrived here in ballast from the Danish Island of St. Thomas, which was all that had been reported to him about them, was certainly not sufficient to justify him in proceeding against them. With respect to the other vessels mentioned in this Despatch, he said, that their professed object, at least, was not the Slave Trade, but generally to traffick in gold-dust, and other productions of the Coast of Africa, which was not prohibited by the Spanish Laws. His Excellency added, that whenever cases of illicit Slave Trade should be brought before him in a tangible shape, he should be most willing to do all in his power to bring the offenders to justice.

We have the honour to be, &c.

(Signed) H. T. KILBEE.
R. F. JAMESON.

The Right Hon. George Canning,
&c. &c. &c.

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RIO DE JANEIRO.

No. 62.

Henry Hayne, Esq. to the Marquess of Londonderry.—(Received April 20.)

(Extract.) *Rio de Janeiro, January 16, 1822.*

WHEN two months had elapsed, from the time of transmitting the sentence passed by the Mixed Commission on the schooner *Emilia* to the Judge of Contraband, it being notorious that she still remained unsold, I thought, my Lord, that ample time had been allowed, not only to execute the sale, but even to settle the accounts. I therefore availed myself of an opportunity, on the 27th of November, at the Court of the Commission, to state my sentiments to the Portuguese Commissary Judge on the subject, and to beg that he would urge his Government to give direction for her immediate sale: and for your Lordship's information, I beg to inclose the Protocol of the day, which was transmitted to this Government by the Portuguese Commissary Judge. In reply to which, Senhor Vieira, the Minister for Foreign Affairs, addressed a Portaria, or official note, to the Portuguese Commissary Judge, asserting, that in making such representations I had exceeded the limits of my functions in a manner unauthorized by the Convention and its regulations, and that my Portuguese Colleague had arrogated to himself a diplomatick character in condescending to reply to my unlawful requisitions, for which he is reprimanded and peremptorily ordered neither to reply to similar requisitions, nor to transmit them to his Government. I beg to inclose a copy of this Document.

A stop being thus put, my Lord, to the usual mode of proceeding of the Commission, and the value of the vessel daily diminishing, I addressed a note on the 13th of December to His Majesty's Acting Consul-General, stating the case and suggesting that the sale of the vessel, by the appointed Authority, should be formally urged, and that the Alvará should be applied to the offenders, or the reason assigned for its not having been done.

I trust it will appear evident that no exertion has been wanting on my part to bring this tedious case to a close, the unsettled state of the country, in addition to the causes above mentioned, will account for its delay.

I have the honour herewith to transmit for your Lordship's information, a list, with particulars of the Slave vessels, and number of Slaves that were imported into this harbour during the year 1821.

(Signed) HENRY HAYNE.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(First Inclosure in No. 62.)

Protocol respecting the Sale of the Schooner Emilia.

(Translation.)

Session, November 27, 1821.

THE British Commissary Judge represented that he had an especial recommendation from his Government to urge the sales of condemned vessels without loss of time, and this through the

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medium of the Portuguese Commissary Judge; and two months having elapsed since the Commission sent the sentence of condemnation of the schooner *Emilia* to the Superintendent of Contrabands, with the intention that this Magistrate should proceed with the sale according to the Alvará of 26th January 1818; and the said Magistrate not having yet sent the proceeds of the sale, which he has not yet made, as is publick and notorious, begged the Portuguese Commissary Judge would transmit to his Government this Protocol, and request that there should be no more delay in executing the said sale, because all vessels in such a state must daily deteriorate and lose their value. To which the Portuguese Commissary Judge answered, saying, "that sales made "judicially in the Portuguese dominions had their formalities marked by law; that it appeared to "him that the schooner was not sold, because no one would advance upon her valuation, and in "such a case the law requires a new one to be made, and which necessarily must take time; and to "this casualty the delay ought to be attributed, and to no other reason: however, he would trans- "mit the Protocol to his Government, as the British Commissary Judge requested." The said British Commissary Judge also represented, "that he had asked the Portuguese Government, "only for the sake of humanity, to use all possible promptitude in the apprenticing of the free "blacks; however, he knew that there were some of these unfortunate people in the Lazareto to "be hired, even to this day." In such a case, guided by the same sentiments of humanity, he requested "that, in conformity to the Convention, and Alvará of 26th January 1818, the Portuguese "Government would provide that those people should be freed from that species of prison in "which they are, and give them that destination which the said Convention and Alvará require." The Portuguese Commissary Judge answered, "that the free blacks had been all hired out in "proper time, but that those that had remained in the Lazareto were there, because those who had "hired them had not fetched them away, though intimation had been sent to them by the competent "Judge, according to law, and he knew that by request of the Curator they were providing the "means to hire them out a-new, and that it would be effected in a few days; but he would make "known to the Government the British Commissary Judge's humane intentions, according to his "wishes." The session was finished.

(Signed) BRAZ MARTINS COSTA PASSOS.

(*Second Inclosure in No. 62.*)

Portaria *of the Minister for Foreign Affairs to the Portuguese Commissary Judge.*

(Translation.)

THE Note of Jozé Silvestre Rebello, the Commissary Judge of the Mixed Commission, being presented to His Royal Highness The Prince Regent, dated the 28th November last, with a copy of the Protocol of the Session of the antecedent day, done in the Mixt Commission, including the answers which the said Commissary Judge readily gave to the two representations of the British Commissary Judge, in which he complained of the delay of the sale of the captured schooner, *Emilia*, and of the hire of some of the free blacks, who still remained at the Lazareto to be hired; His Royal Highness orders the Secretary of State for Foreign Affairs to declare to the said Commissary Judge, Jozé Silvestre Rebello, that, the duties of the Mixt Commission being prescribed and regulated in the 8th Article of the Additional Convention of 1817, and in the Regulations for the Mixt Commissions No. 3, in making similar representations the British Judge exceeded the limits of his functions, and that in an official manner which the above mentioned Convention and Regulations do not authorize; not being able in the least to support his ground with the alledged motives of humanity for those free blacks, nor in the least with any especial recommendation that he may have from his Government; nothing of these gives him a right to call this Government to an account, with whose administrative routine he must conform: the conduct of the aforesaid Portuguese Commissary Judge being on this occasion less regular, as well for wishing to exceed his duty and arrogate to himself a diplomatick character with his Government, as his condescension to the unlawful requisitions of the British Judge, going so far as to state them to be moderate. Also His Royal Highness orders me to warn you, that as often as requisitions of that nature shall be directed to you, exceeding the letter of the Regulations, you will peremptorily and finally refuse to reply to the same, and to transmit them afterwards to the Government in an official manner, assuming a publick character which as yet has not been confided to you; recollecting likewise your unseasonable replies only tend to anticipate the intentions of the Government, which alone is competent to decide the infractions which might occur in the execution of the Treaties; and lastly, that the said Commissary Judge having so understood should conduct himself accordingly.

Palace, 3d December 1821. (Signed) FRANCISCO JOZE VIEIRA.

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(Third Inclosure in No. 62.)

List of Slaves Imported at Rio de Janeiro during the Year 1821.

Arrived.	From whence.	Vessel.	Days at Sea.	Slaves embarked.	Slaves landed.	
1821.						
January 2d	— Cabinda —	— Brig —	30	416	408	
21st	— Angola —	— Ditto —	28	557	549	
23d	— Benguela —	— Ditto —	29	425	396	
31st	— Cabinda —	— Schooner —	30	194	194	
February 16th	Mozambique	— Ship —	84	992	632	
—	— Cabinda —	— Brig —	43	362	342	
18th	— Ditto —	— Ship —	37	522	511	
21st	Mozambique	— Ditto —	71	346	241	
22d	— Ditto —	— Ditto —	76	511	273	
26th	— Guilimane —	— Brig —	82	476	311	
March 7th	— Ditto —	— Ditto —	60	451	385	
—	Madagascar	— Ship —	89	21	21	
12th	— Guilimane —	— Brig —	111	433	291	
15th	— Ditto —	— Ship —	54	434	267	
—	— Ditto —	— Schoooner —	57	337	260	
—	— Ditto —	— Brig —	67	500	342	
—	— Angola —	— Ditto —	50	384	367	
19th	— Ditto —	— Ship —	32	455	433	
21st	— Guilimane —	— Ditto —	74	481	285	
23d	— Benguela —	— Brig —	36	431	395	
31st	— Cabinda —	— Ditto —	39	312	287	
—	— Angola —	— Ditto —	42	450	430	
—	— Guilimane —	— Ditto —	69	377	284	
April 24th	— Cabinda —	— Ditto —	42	461	439	
May 3d	— Angola —	— Ditto —	47	528	378	
13th	— Guilimane —	— Ditto —	66	325	225	
19th	— Angola —	— Ditto —	49	375	365	
23d	Mozambique	— Ditto —	99	202	113	
27th	— Angola —	— Ditto —	32	450	429	
June 23d	— Ditto —	— Ship —	36	741	680	
July 7th	Bahia and Onim	H. M. S. Morgiana	25	197	197	
—	— Ditto —	Emilia, Schooner	—	157	157	Prize condemned
August 7th	— Angola —	— Ship —	33	566	514	
11th	— Ditto —	— Brig —	53	254	227	
—	— —— —	— —— —	35	481	460	
18th	— Benguela —	— —— —	40	408	339	
26th	— Angola —	— Ship —	26	759	734	
29th	— Ditto —	— Schooner —	32	304	270	
September 21st	— Ditto —	— Ship —	25	743	683	
October 8th	— Ditto —	— Brig —	36	510	452	
12th	— —— —	— —— —	35	495	374	
21st	Pernambuco	— —— —	18	50	50	
23d	— Ditto —	— —— —	20	60	60	
—	— Benguela —	— —— —	38	511	496	
28th	— Ambrixe —	— —— —	48	450	449	
November 7th	— Angola —	— Brig —	35	579	507	
8th	— Benguela —	— —— —	37	407	390	
17th	— Angola —	— —— —	45	544	500	
23d	— Cabinda —	— Ship —	30	573	561	
—	— Angola —	— Brig —	39	468	388	
25th	— Guilimane —	— —— —	60	446	446	
28th	Mozambique	— Ship —	54	440	394	
December 4th	— Angola —	— Ditto —	28	609	523	
5th	— —— —	— Brig —	29	595	516	
18th	Mozambique	— Ship —	60	450	322	
23d	— Angola —	— Schooner —	33	358	310	
		Total - -		24363	20852	

Slaves embarked - -	24363	
Slaves landed - -	20852	
Deaths	3311	

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No. 63.

Henry Hayne, Esq. to the Marquess of Londonderry.—(Received April 20.)

(Extract.) *Rio de Janeiro, February 16, 1822.*

ON the 16th ult. I had the honour of addressing your Lordship on the subject of the causes of delay in the execution of the sentence of the Mixed Commission in the case of the Emilia; I now beg leave to transmit to your Lordship the copy of a Note from His Britannick Majesty's Consul General in reply to my letter suggesting his interference, together with his Note to the Minister for Foreign Affairs (Senhor Vieira), and His Excellency's Answer, which incloses a detailed and unsatisfactory account from the Judge of Contraband, of which I also beg to inclose a copy, stating why the sale had not taken place, and attributing the delay to an exorbitant valuation, the want of bidders, and the accustomed forms of the law: and with regard to the prosecution of the Officers of the condemned vessel, the said Judge openly declares, that he has not carried into execution the 1st Article of the Alvará, which prescribes the penalties to which those who infringe the Law are liable, because, in the first place, the sentence, of which he is the mere executor, does not condemn them, and, in the next, because he has received no denunciation against the Parties, without which he cannot prosecute, and in this opinion he is most fully supported by Senhor Vieira, the Minister for Foreign Affairs, in his reply to the acting Consul-General. Relative to the first question, of unnecessary delay in executing the sale of the vessel, there can be little doubt of it, though it is made to appear that the accustomed legal form of sale required it; but that may always be contrived, and is the great objection to the sale being taken out of the hands of the Commission; and I feel confident, my Lord, that had the Alvará not placed the sale in the hands of the Judge of Contraband, the business would have been accomplished, and the product remitted three months since, with a saving of at least 10 per cent.

As the Commission did not feel authorized to sentence the Offending Parties concerned, when condemnation was passed on the vessel and cargo, I proposed, my Lord, that a copy of the Matricula, with notes from the evidence before the Commission, signed by my Colleague and myself, should be transmitted to the Judge of Contraband, with a view of assisting him in the prosecution, a copy of which, as well as the note which accompanied it, I have the honour of inclosing for your Lordship's information. Notwithstanding all that has been said and done these men are at large, without any notice having been taken of them, at liberty to resume their inhuman profession, to which they will most probably return, exasperated against their late Captors, doubtless with a determination to reek their vengeance on them whenever an opportunity may offer, and with confidence that the penalty of the Law will not be visited on them in the event of a second capture. By insisting on the Law being carried into full effect I feel persuaded that many would be deterred from engaging in the traffick, and at least those detected would be incapacitated from resuming it.

(Signed) HENRY HAYNE.

The Marquess of Londonderry, K. G.
&c. &c. &c.

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(*First Inclosure in No.* 63.)

The Deputy Consul General to The British Commissary Judge.

SIR, *Rio de Janeiro, January* 7, 1822.

I HAVE had the honour to receive your letter of the 12th ult. in which you acknowledge the receipt of mine, dated 30th November, inclosing a copy of my representation to the Minister, Senhor Vieira, on the subject of the delivery of the Slaves to their owners, being part of the crew of the *Emilia* schooner, condemned by the Mixed Commission, together with a copy of His Excellency's reply thereto.

I have also to acknowledge the receipt of your's, dated on the following day, informing me that, in pursuance of your instructions to urge your Portuguese Colleague to proceed to the sale of all condemned vessels, as soon after condemnation as possible, you, on the 20th November, represented to the Portuguese Commissary Judge, at the Court of the Commission, that two months had elapsed since the condemnation of the Emilia, but that the vessel was still unsold, to her extreme prejudice and daily deterioration; and that, therefore, you begged he would represent the case to his Government, that there might be no more delay in the execution of the sentence.

This, it appears, the Commissary Judge complied with, and accordingly transmitted the Protocol of the day to the Minister for Foreign Affairs, a copy of which you inclosed to me, together with a *Portaria* to the Commissary Judge, reprimanding him for answering your questions, and forbidding him to reply to them in future, or to transmit them to him. You, therefore, state this Minister's extreme want of liberality towards the Commission, and very justly complain of the unwarrantable delay in the execution of the sentence: and, in your own justification, most truly say, that the system pursued in this instance is precisely in unison with that adopted from the first installation of the Commission. Under these circumstances, it became necessary for me to represent to His Excellency, Senhor Vieira, the great delay and procrastination of which you complain, in your two above-mentioned letters to me; and accordingly on the 21st ult. I addressed His Excellency in a note, date 21st December, copy of which I have now the honour to inclose, together with a copy of his reply thereto, accompanied by the copy of a letter from the Judge of Contraband, in answer to a letter from His Excellency, dated 29th December, and which I also inclose you a copy of, and I have to lament their contents are not of a more satisfactory nature; for you will observe that Senhor Vieira is totally silent upon the subject of any punishment's being inflicted upon those who have been so clearly proved to have fitted out and navigated the Emilia upon her illicit voyage.

It is, Sir, with no small degree of concern, that I find your unremitted endeavours, to obtain a full and complete execution of the letter and the spirit of the Convention, and the Regulations annexed to it, has met with such vexatious opposition, and wilful delay, on the part of the Brazilian Government, in the Emilia's case, and for which, *under the present circumstances of the country*, I fear no redress can at this moment be obtained, and therefore, your intention of transmitting all the proceedings therein, to His Majesty's Government in England, and requesting that some steps may be taken to place the Commission on a more favourable and independent footing, appears to be highly necessary and requisite, in order to prevent future opposition, and delay, in the event of having other vessels brought into this port for trial: but, Sir, if you think any benefit or advantage can arise, from further remonstrances, or reclamations on my part, I will most readily attend to any thing which you may think proper to suggest, in order to obtain a more just and complete fulfilment of the Convention entered into between the Two Kingdoms of England and Portugal, for the purpose of preventing the Subjects of either Country, from engaging in any illicit traffick in Slaves. I have the honour to be, &c.

(Signed) ALEXANDER CUNNINGHAM,
Deputy and Acting Consul-General.

Henry Hayne, Esq.

(*Second Inclosure in No.* 63.)

The British Deputy Consul-General to the Portuguese Minister for Foreign Affairs.

MR. ALEXANDER CUNNINGHAM, His Britannick Majesty's Deputy and Acting Consul-General for the Brazils, and its Dependencies, has the honour to present his most respectful compliments to His Excellency Senhor Francisco Joze Vieira, Minister and Secretary of State for the Kingdom of Brazil, and for Foreign Affairs; and begs leave to represent to His Excellency, that, in consequence of the schooner *Emilia* not having yet been sold, she is daily deteriorating and becoming of less value; several months have now elapsed since her condemnation and her being surrendered to the Judge of the Contraband, and the accounts relative to that vessel's capture cannot be closed and transmitted to the British Government, until the proceeds of the sale of the vessel, her cargo, and appurtenances be liquidated, and placed, as ordered by His Royal Highness the Prince Regent, in His Aviso of the 6th of August 1821, to the Judge of Contraband.

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His Britannick Majesty's Acting Consul-General has therefore to request that His Excellency Senhor Francisco Jose Vieira will have the goodness to direct that Judge to proceed, without further delay, to the sale of the Emilia; and he, at the same time, has the honour to assure His Excellency that in thus troubling him, upon a subject to which his attention has already been so frequently drawn, he is actuated by no other motive than that which arises from a sense of its being his duty so to do, and in order to prevent future trouble and discussion.

The first Article of the Regulations for the Mixed Commission states, that judgment shall be given without appeal, according to the letter and spirit of the Treaty of 22d January 1815, and the Convention signed at London, on the 28th of July 1817.

In the Treaty between Great Britain and Portugal, signed at Vienna 22d January 1815, it also appears that other Powers of Europe have been induced to assist in the benevolent object of bringing about a gradual abolition of the Slave Trade; and therefore, it is not to be doubted but that the whole of the Powers therein alluded to, are truly and sincerely interested in this humane pursuit, and that as the Emilia's case is the first which has been brought before the Mixed Commission established in the Brazils, the manner in which the process has been carried on and concluded will become a matter of general concern and consideration; and the British Government, in particular, will no doubt expect that the first Article of His Most Faithful Majesty's Alvará, dated January 26th 1818, pointing out the punishments of those who shall proceed to fit out and prepare vessels for an illegal Traffick in Slaves, shall be put into effect, by applying it to the offenders in the Emilia's case, or at least that the reason, why it is not, should be explained. The sentence was duly transmitted to the Judge of Contraband, together with a copy of the Matricula, as well as an account of the wages due to each individual, for the purpose of enabling the Judge to apply the Alvará to those whom it might appear to affect. The official notes from His Britannick Majesty's Acting Consul General to the Minister of State, naming the persons who had transgressed the law, and begging that the law might be applied to the case, was certainly a full denunciation, and therefore it cannot be alledged, that they were not mentioned or pointed out to the Portuguese Authorities.

Mr. Cunningham avails himself of this opportunity to repeat his high consideration and esteem for his Excellency, Senhor Francisco Joze Vieira.

Rio de Janeiro, 21st December 1821.

(Third Inclosure in No. 63.)

The Portuguese Minister for Foreign Affairs to the British Deputy Consul General.

(Translation.)

THE Undersigned Counsellor, Minister and Secretary of State for the Interior and Foreign Affairs of the Kingdom of Brazil, having received and laid before His Royal Highness The Prince Regent the Note, dated 23d December last, which Mr. Cunningham, His Britannick Majesty's Consul General, addressed to him through the Secretary of States' Office, making a representation against the delay which had occurred in the sale of the schooner, Emilia, condemned by the Mixed Commission, as well as for not having proceeded against those people employed in the outfit and navigation of the same; received an order from the same august Person to reply to you, and transmit the inclosed copy of a note from the Superintendent of Contrabands, by which it is evident that the course pursued is perfectly regular, and that neglect cannot in any manner be attributed to the Judge charged with that business.

The Undersigned, thus fulfilling the orders he received from His Royal Highness The Prince Regent, feels persuaded that Mr. Cunningham will be convinced how much the Government of His Royal Highness is inclined, always to execute the existing laws, and profits of this opportunity of repeating to him expressions of his particular esteem.

(Signed) FRANCISCO JOZE VIEIRA.

Palace of Rio de Janeiro, 4th January 1822.

(Fourth Inclosure in No. 63.)

The Superintendent of Contrabands to the Minister for Foreign Affairs.

(Translation.)

MOST EXCELLENT AND ILLUSTRIOUS SIR,

IN compliance with the Portaria of the 24th instant, in which His Royal Highness The Prince Regent orders, that the note of the Deputy Consul General of His Britannick Majesty, and Arbitrator of the Mixed Commission established at this Court, which solicits

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the sale of the schooner *Emilia*, condemned by the said Commission, and to be informed of the reason why full execution has not been given to the first Article of the Alvará of the 26th January 1818, should be sent to me by the Secretary of State's Office, in order that I might report on the subject; I have the honour of communicating to your Excellency, that you may be pleased to make known to His Royal Highness, that the sentence of the above-mentioned Commission having been presented to this Tribunal on the 28th of September of the present year, and after the competent order to fulfil it, the valuation of the schooner Emilia, condemned by the above-mentioned Commission, was consequently proceeded with by the appraisers that I judged most fit, those of the Measurement Department of the Royal Marine Arsenal, having previously addressed a note to the Inspector of the Arsenal to that effect, and having immediately advertised the sale by auction in the accustomed form of law, and no advance upon the valuation being made on the last three days of the sale, it being said to be much too high, which gave rise to the representation that I had the honour of addressing to your Excellency on the 24th of last month, to which His Royal Highness noting my not having mentioned the amount of the valuation of the schooner Emilia, or the price bidden, was pleased to order me, by the Portaria of the 1st instant, immediately to transmit the above-mentioned information, which I did in my note of the 5th instant; and in the Portaria of the 11th instant, His Royal Highness determines that, should the bidding not reach the actual valuation, that the schooner should be put up to auction, with the reduction that the law prescribes, or that a new valuation should be taken by those who took the first, but, however, not to be adjudged to the Treasury. In conformity to this, I proceeded a second time to put the schooner up to auction, having previously announced it in the Diary for the 22d instant, on which day, there being no bidders beyond the reduced valuation, as directed by the Portaria of the 11th instant, according to which, and the preceding, I have been guided and shall continue so to be, as the inclosed certificate, which I transmit to your Excellency, will shew, and which I presume will do away with any suspicion of culpable omission in this Court, in the execution of the sentence of the Mixed Commission respecting the sale, solicited by His Britannick Majesty's Consul-General.

With regard, however, to the motive for not having given full execution to the first Article of the Alvará of the 26th of January 1818, I have simply to say, that since the Officers of the schooner Emilia are not condemned to be transported to Mozambique, or to any fine, by the sentence of which I am the mere executor, conformably to the letter of the law, any excess on my part would be looked upon as anti-legal, especially as I have not yet received a denunciation to commence a new suit in this Court, as is prescribed by the above Alvará, by the letter and spirit of which, according to my view of it, I have been regulated, as I have told His Royal Highness; however, on viewing the whole referred to, and the inclosed certificate, you will decide as you may think proper.

God preserve your Excellency.

(Signed) JOZE FRANCISCO LEAL,
Dezembargador,
Serving as General Superintendent of Contraband.

Rio de Janeiro, December 29, 1821.

(*Fifth Inclosure in No.* 63.)

Matricula of the Schooner Emilia. *With Notes.*

(Translation.)

Rio de Janeiro, August 3, 1821.

Approved.

(Signed) HAYNE. REBELLO.

THE list of the crew of the schooner *Emilia*, copied fron the original Matricula, which is with the documents, together with notes taken from the said documents, captured by His Britannick Majesty's ship of war Morgiana, and condemned for being taken when engaged in carrying on the illicit Slave Trade; viz.

Severo Leonardo, Master. Neither by the Matricula, or any other document, does it appear what wages he received; but by the cargo-book it appears that he had five Slaves of the cargo, and two Slaves mariners: he ran away at Bahia, where he landed with the permission of the Commander of the Morgiana, as he himself declared.

Domingos Jozé de Faria, Mate, had four hundred mil reis wages, according to the Matricula; one Slave of the cargo belonged to him; and he remained at Bahia, where he landed, sick of a wound which he gave himself in endeavouring to cut his own throat.

Prudencio de Albuquerque, Practitioner, had seventy mil reis wages; he had on board four Slaves, and remained on the Coast of Africa.

Manoel Alcantara, Boatswain, got two-hundred and fifty mil reis wages; he had on board five Slaves, and came with the schooner to this Port, where his deposition was taken, and afterwards ran away.

Jozé Joaquim de Moraes, Black Doctor, embarked at Bahia, in the place of Lourenço Domingos dos Santos, who is named in the Matricula, and left the schooner on the day of sailing;

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got one hundred and twenty mil reis wages. He came to this port, where his deposition was taken, and he is actually on board taking care of the blacks.

Francisco Caetano, Cooper, had one hundred and eighty mil reis wages; he had on board five Slaves, and remained on shore at Bahia with permission of the Captor.

Roque Nagou, Cooper, Slave of Vicente Ferra. Milles; had no wages appointed, and remained on the coast.

SAILORS.

Antonio Joaquim had for wages fifty mil reis, and run away in Bahia.—Joao da Cruz had for wages fifty mil reis; he had on board one Slave; he ran away at Bahia.—Manoel da Hora had for wages fifty mil reis, and run away at Bahia.—Estanislao Martins Marques had for wages fifty mil reis, and remained at Bahia with leave from the Captor.

Bento - - - - -	Aussa	
Joao - - - - -	Barba	
Christovao - - -	Aussa	
Caetano - - - -	Mosambique	
Antonio - - - -	Gege	
Paulo - - - - -	Aussa	
Joze - - - - -	Aussa	
Faustino - - -	Cabinda	
Firmo - - - - -	Barno	
Pedro - - - - -	Aussa	} Remained on the coast.
Ventura - - - -	Mina	

These twelve Slaves, sailors, belong to Vicente Ferra. Milles, who sailed from Bahia in the schooner, with the intention of remaining on the coast as Agent to the Owner of the said schooner, as appears by documents found on board, to load this and other vessels; but it does not appear from the passport, or the Matricula, that he went in the schooner, therefore it is concluded that he went concealed: the truth of this supposition is plainly confirmed by several letters found on board, and also by the depositions of one of the witnesses: by some of the same letters it appears that he had for wages two hundred mil reis per month, from the 1st of October 1820; and as the schooner was captured on the 14th of February 1821, he had already gained nine hundred mil reis of his wages. It also appears that he shipped on board the schooner, on his own account, nine Slaves. George Gege, Slave of Joaqm. Carneiro de Campos of Bahia, has not any interest in the negociation; he is on board the schooner. Jozé Mina was drowned when swimming from the schooner to the shore. Balthezar Aussa, Slave of Ignacio Jozé Ferreira of Bahia, has no interest in the negociations; he is on board the schooner. Domingos Tapa, Slave of Joze Ramos of Bahia, is on board the schooner.

Rio de Janeiro, August 3, 1822.

(*Sixth Inclosure in No.* 63.)

The Mixed Commission to the Judge of Contraband.

(Translation.)

THE Mixed Commission for the prevention of the Slave Trade, established in this City, ordered me to forward to your Lordship the inclosed list, with some necessary explanations respecting the crew of the schooner Emilia, captured by William Finlaison, Esquire, Commander of His Britannick Majesty's ship Morgiana, which schooner was judged a lawful prize; in order that your Lordship, in conformity to the Alvará of the 26th January 1818, may be enabled to proceed against the offenders as you may think proper: and that at the time of delivery of the said schooner, be pleased to demand a list, and the crew, which ought to correspond with the inclosed.

I have also to make known to your Lordship, by order of the above-mentioned Commission, that on board the said schooner were found eight hundred and forty-five Spanish dollars, which, by order of the Captor, were expended at Bahia, in the purchase of cables, sails, &c. for the said schooner, by Mr. Riach, the Purser of the Morgiana, as he made appear by the accounts laid before the Commission, remaining responsible for the balance of one thousand seven hundred and eighteen reis, which your Lordship will receive from the same gentleman; and be pleased to acknowledge the receipt of the whole, for the information of the Commission. It remains for me to inform your Lordship, that the schooner and her cargo were insured at one million four hundred and forty thousand six hundred and forty reis, as is apparent by a paper signed by the Proprietor, without mentioning where insured, or by what Company.

God preserve your Lordship.

(Signed) BRAZ MARTINS COSTA PASSOS,
Secretary and Register.

Rio de Janeiro, August 9, 1821.

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No. 64.

Henry Hayne, Esq. to the Marquess of Londonderry.—(*Received May* 28.)

(Extract.) *Rio de Janeiro, February* 28, 1822.

I HAVE great satisfaction in being at length enabled to lay before your Lordship, accounts of the sale of the schooner *Emilia*, condemned by the Mixed Commission established at this Place, and beg to inform your Lordship, that by the Packet which conveys this, I have remitted the proceeds to the Lords Commissioners of His Majesty's Treasury, in conformity to your Lordship's instructions.

(Signed) HENRY HAYNE.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 65.

Henry Hayne, Esq. to the Marquess of Londonderry.—(*Received July* 30.)

MY LORD, *Rio de Janeiro, May* 12, 1822.

I HAVE the honour to inform your Lordship, that on the 27th of March last, the brig *Desengano*, under Portuguese colours, entered this Port from Bahia, with 390 Slaves on board, and, about ten days after, a Person, by name John Philip de Amorim, donounced the vessel, for having taken the Slaves on board to the north of the Equator, in violation of the Convention of 1817, and the Alvará of 1818, before the Judge of Contraband, who, by the 4th Article of the said Alvará, is authorized to take cognizance of all denunciations. The Judge ordered his Escrivaõ, or Registrar, to inform himself of the case. The Registrar obtained information, reported upon it to the Judge; and the Judge, solely upon this report, decided, that the evidence contained therein was sufficient to authorize his rejecting the case.

Upon this, the Informer, on the 16th of April, referred the case to the Mixed Commission, upon the authority of the 4th Article of the Alvará, which says, "it shall, however, be lawful for either of the Parties to apply "to the Mixed Commission, for them to determine whether or not the case "have reference to the abolition, in which event the legal proceedings upon "it shall be delivered up to the Commission in the state in which they are, "and whatever the Commission may decide shall be carried into effect."

I have the honour to inclose a copy of the papers which were laid before the Commission by the Informer, and have numbered them for the sake of reference. The first contains the Informer's petition to the Mixed Commission, to take cognizance of the case on the ground of an unsatisfactory decision of the Judge of Contraband. The second contains the original denunciation before the Judge of Contraband, on the ground of the Slaves having been embarked to the north of the Equator, together with the Judge's despatch or reply. The third contains the Escrivaõ's, or Registrar's, report, with the orders from the Secretary of State to detain and release the Slaves, and the last decision of the Judge.

I thought it advisable, my Lord, to make the case known to His Majesty's Acting Consul-General, to enable him to draw the attention of The Prince Regent's Government to a case which bore the appearance of connivance on the part of the Authorities at Bahia, and of neglect, at least, on that of a Tribunal before which it had been already laid at this Place. I therefore lost

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no time in writing a note, of which I beg to inclose a copy, to His Britannick Majesty's Acting Consul-General, transmitting to him a copy of the first Inclosure, expressing a hope that on his representation, the Government would make every exertion, and would afford every opportunity to the Mixed Commission, to obtain a satisfactory elucidation of the case.

It now became a question, My Lord, with the Portuguese Commissary Judge, whether the case in its present state was cognizable by the Commission. I gave it as my decided opinion, founded on the clause of the fourth Article of the Alvará above quoted, that it became the Commission to ascertain whether or not it was a case of contraband.

The Portuguese Commissary Judge in reply said, that the clause which I quoted from the Alvará, presumes a legal process to be commenced before the competent Authority, because it clearly says, that in the event of a reference to the Commission "the *Autos* or legal proceedings upon it shall be deli- "vered up to the Commission in the state in which they are," and he maintained that a suit had not been legally commenced, and that the papers before us were not *Autos*, and as a proof of their not being *Autos*, he said they would have remained in the hands of the Registrar, and not in the power of the Informer, had they assumed that legal form, therefore he could not think of consenting to take cognizance of the case in its present state. After weighing the objections of the Portuguese Commissary Judge, I proposed taking a legal opinion on the point of law, before I agreed to or dissented from them, as it could not be supposed that I should be conversant with the legal forms of the law of the land. I accordingly advised with the Judge Conservator, and others, who were decidedly of opinion, that the papers in question were not *Autos*, and that as the Alvará expressly stated *Autos*, that it would be irregular and not warrantable by the clause of the Act to proceed upon them in that state. It was, therefore, agreed, by the Mixed Commission, to return the petition and the papers to the Informer, with the following note, "not cog- "nisable by the Mixed Commission until formed into Autos," leaving it open to him to return with the papers in due form.

The ex-parte statement contained in the third Inclosure, on which the Judge of Contraband's decision is grounded, will of itself shew your Lordship the shallowness of its foundation.

Although, my Lord, this case has every appearance of being contraband, and though the information is laid, which it never would have been, had the Informer not been urged to it, I fear, my Lord, if I may judge from the proceedings before the Judge of Contraband, that with the system which prevails here, and the great general interest taken in the Traffick in Slaves, there will be little chance of a satisfactory result in this case.

I have the honour to be, &c.

(Signed) HENRY HAYNE.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(First Inclosure in No. 65.)

Petition to the Mixed Commission in the Case of the Brig Desengano.

(Translation.)

MOST ILLUSTRIOUS SIRS, JUDGES OF THE MIXED COMMISSION,

JOHN PHILIP DE AMORIM declares, that in the month of March last, the Portuguese brig, named the *Desengano*, entered this Port, coming from Bahia, with three hundred and ninety Slaves on board, which Slaves, the Petitioner has every reason to believe, were embarked on board the said ship at the port of Onim, at the North of the Equator, in which Port the Traffick in Slaves is prohibited by the Alvará of the 26th of January 1818.

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The Petitioner, in consequence of the said Alvará and Treaty, denounced his suspicions to the Judge of Contraband of this Place in the Petition which he has the honour to annex, and by the despatches or replies of the said Judge, it appears that he has not perceived the meaning of the Petitioner, supposing the denunciation to be made under the impression that the said Slaves were landed without paying the competent duties, whereas it is on the illegal purchase of them on the Coast of Africa, where they were embarked; and as the above-mentioned Alvará grants to the Petitioner the privilege of applying to the Mixed Commission on the supposition of his being aggrieved, on these grounds it is that he petitions to your Honours to take such steps as you may judge justice to require, in order to discover whether or not the suspicions of the Petitioner are well founded, and your Petitioner will receive a favour, &c. &c. &c.

(*Second Inclosure in No.* 65.)

Denunciation before the Judge of Contraband, with the Judge's Reply.

(Translation.)

MOST ILLUSTRIOUS SIR, DESEMBARGADOR, JUDGE OF THE CONTRABANDS,

JOHN PHILIP DE AMORIM declares, that he denounces to your Honour that, in the month of March last, the Portuguese vessel, called the *Desengano*, entered this Port, coming last from Bahia, and bringing three hundred and ninety Slaves, and the Petitioner is fully persuaded that the said Slaves were embarked at the port of Onim, alias Molembo, to the north of the Gold Coast; this being prohibited by the Alvará of the 26th of January 1818: and in conformity to the said Alvará, the Petitioner begs your Honour will be pleased to proceed to examine into the allegation of the Petitioner, in the appointed form of law, by which your Petitioner prays your Honour to be pleased so to order it, and your Petitioner will be thankful.

Judge's Answer.

Let the Registrar inform himself, proceeding to the necessary means of coming at the truth.

Rio de Janeiro, April 6, 1822. (Signed) CRUZ.

(*Third Inclosure in No.* 65.)

Registrar's Report, Orders for the Detention and Release of the Slaves, and last Decision of the Judge.

(Translation.)

MOST ILLUSTRIOUS SIR, DESEMBARGADOR, SUPERINTENDENT GENERAL OF CONTRABANDS.

IN compliance with the respectable Despatch of your Honour, I went to the Street of Violas, at the house of Manoel Joaquim Ribeiro, Merchant, registered at the Royal Junta of Commerce, correspondent at this place of Domingos de Almeida Lima, and of Antonio Ferreira Coelho, Proprietors of the vessel called *Desengano*, and I was there informed by the proper correspondent, that the Slaves, which were said to be prohibited, were brought from Bahia, where the full duties on them were paid, as is necessary to shew by a despatch from the Custom-House of that Place, and which was proved by the Custom-House certificate presented at the Custom-House of this Place, and they were in consequence admitted free of duty; these Slaves were disembarked in the said City of Bahia above forty days without the least opposition, and on their arrival in this Port, after being landed at the Lazaretto, they were there detained by an Order from the Secretary of State on the 28th of March, from five to six in the evening, and that on the 29th, at ten o'clock in the morning, an Order was issued by the Secretary of State for their being disembarked and freely sold, as they accordingly were. The said Orders are in the hands of the Administrator of the Lazaretto, and that the said Proprietors traded in Slaves to the Dominions of the Crown of Portugal, to the south of the Line, from whence this cargo came; that it never could be considered prohibited, or it would not have been, as it was, despatched at the City of Bahia. Then going, likewise, to the house of the Administrator of the Lazaretto, to be better informed of what was above stated; by him I was put in possession of the above mentioned Orders from the Secretary of State, of which the following are copies:

His Royal Highness The Prince Regent, through the Secretary of State for the Interior, orders the Administrator of the Lazaretto not to allow, under his own responsibility, any of those Slaves that lately arrived from the City of Bahia to leave the Lazaretto without an Order from the said Secretary of State.

Palace of Rio de Janeiro, March 28, 1822. JOZE BONIFACIO DE ANDRADE.

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His Royal Highness The Prince Regent, through the Secretary of State for the Interior, communicates to the Administrator of the Lazaretto, that the Order directed to him yesterday, concerning the Slaves lately arrived from the City of Bahia, is cancelled, and that they may be placed at the disposal of their Owners whenever applied for.

JOZE BONIFACIO DE ANDRADE E SILVA.

Palace of Rio de Janeiro, March 29, 1822.

This is all that I have been able to ascertain, and all the information I can give your Honour, who will order whatever you may think proper.

Rio de Janeiro, April 12, 1822. DEZIDERIO JOZE DO AMARAL.

Decision given on the above Information.

At sight of the above Information, I have nothing more to decide.

Rio de Janeiro, April 13, 1822. (Signed) CRUZ.

(Fourth Inclosure in No. 65.)

The British Commissary Judge to the Deputy Consul-General.

SIR, *Rio de Janeiro, April 19, 1822.*

I HAVE the honour to inclose for your information, the copy of a Petition which was received by the Mixed Commission on the 16th instant, by which you will learn that a Portuguese brig, named the *Desengano*, arrived here on the 27th March, with three hundred and ninety Slaves on board from Bahia; that Joao Phillipe de Amorim laid an Information before the Judge of Contraband as the law directs, denouncing the said vessel for having brought the said Slaves from the north of the Equator, in violation of the Convention of 1817, and the Alvará of January 1818.—By the same papers you will also observe, that the Judge of Contraband orders his Escrivao, or Registrar, to obtain information and proof of the case, or foundation for the denunciation, and upon his simple information also contained herein, which is obtained avowedly from the Owners and Consignees of the said Slaves, that the brig came from Bahia, that the Slaves had been forty days on shore at Bahia, and had there paid the duties; that the Slaves had been embargoed by an Aviso from the Minister of State, when in the Lazaretto of this Port, but had been placed at the disposal of the Owners by the same authority on the following day; and upon this information, without any further proof, the Judge of Contraband despatches the Informer's petition thus: "After the above information I have nothing to grant."

Upon this evasive answer, which amounts to a refusal to accept the denunciation, the Informer avails himself of the fourth Article of the Alvará, which grants to either Party the permission to refer the case to the Mixed Commission to decide, whether it has or not reference to the abolition.—Here the matter rests for the present, but I think I should lose no time in making it known to you, to enable you to call the serious attention of His Royal Highness The Prince Regent's Government to the subject.

Without meaning to prejudge the case, I cannot refrain from remarking, that the blacks in question are, as is publick and notorious throughout the City, belonging to tribes inhabiting the north of the Equator, eight degrees to the N. of the nearest legal Port of embarkation; and that they have been publickly selling in the Valungo as Minas blacks, which is the vulgar name for the blacks brought from the Gold Coast; judging from these circumstances, and from a Person having denounced the vessel for the sake of the reward, I conceive, Sir, that there exists the strongest suspicion that this is a case of gross violation of the Convention of 1817, and the Alvará of January 1818; and, therefore, I should hope that, upon your representation to His Royal Highness The Prince Regent of Brazil, through His Minister of State, every exertion would be made on the part of His Royal Highness's Government, and every opportunity given to the Mixed Commission to enable them (the Commissioners) to obtain a satisfactory elucidation of the case.

I have the honour to be, &c.

Alexander Cunningham, Esq. (Signed) HENRY HAYNE.
&c. &c. &c.

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No. 66.

Henry Hayne, Esq. to The Earl of Clanwilliam.—(Received July 30.)

MY LORD, *Rio de Janeiro, May 15, 1822.*

I HAVE the honour to annex, for your Lordship's information, a list of the Slaves imported into this harbour during the first three months of this year. Your Lorship will remark that the number has increased one-half, even compared with the same quarter of the last year, contained in the list which I had the honour of transmitting to your Lordship in the month of January last.

The first quarter, my Lord, is generally the heaviest, owing, I believe, to its being the season when the ships arrive from the Eastern Coast of Africa. I believe the accuracy of this list may be relied upon, and I purpose, my Lord, continuing to forward them quarterly.

I have the honour to be, &c.

(Signed) HENRY HAYNE.

The Earl of Clanwilliam,
&c. &c. &c.

(Inclosure in No. 66.)

List of Slaves imported at Rio de Janeiro, from January to March 1822.

Date.	Class of Ship	Name.	From whence.	Slaves embarked.	Died.	Arrived.	Imported.
1822.							
January 2d	— Ship —	S. José Americano	— Cabinda —	808	58	750	
5th	— Brig —	— Golfinho —	— Ditto —	417	—	417	
10th	— Ditto —	Aurora do Cabo	Moçambique	492	194	298	
17th	— Ditto —	— Landoff —	— Ditto —	428	15	413	
18th	— Ditto —	Paquete do Rio	— Cabinda —	470	10	460	
20th	Escuna	— Liberal —	— Zaire —	145	—	145	
							2483
February 1st	— Brig —	— Amazona —	Moçambique	465	43	422	
2d	— Ship —	Conceigao Esperança	— Ditto —	389	124	265	
6th	— Brig —	Pastora da Lima	— Angola —	467	60	407	
11th	— Ditto —	— Esperança —	Benguella	431	29	402	
14th	— Ditto —	Triumfo do Brazil	Moçambique	532	131	401	
15th	— Ditto —	Senhora da Guia	Quilimane	529	93	436	
19th	Escuna	Maria Thomasia	— Angola —	470	60	410	
20th	— Brig —	— Ulisses —	Moçambique	631	213	418	
—	— Ditto —	— Trajano —	— Cabinda —	462	2	460	
22d	— Ditto —	— Zephiro —	Quilimane	504	21	483	
23d	— Ditto —	— Mercurio —	Benguella	420	36	384	
24th	Escuna	— Leopoldina —	Quilimane	481	33	448	
26th	— Ditto —	— Mariana —	Moçambique	520	140	380	
							5316
March 2d	— Brig —	— Minerva —	Quilimane	487	12	475	
5th	Escuna	Principe Regente	— Cabinda —	681	17	664	
—	— Brig —	Principe Real	Benguela P. Para	334	—	334	
9th	Galera	Viatese 16 de Fefreiro	Moçambique	623	127	496	
12th	— Brig —	— Abismo —	— Angola —	305	66	239	
14th	— Ditto —	General Sampayo	— Ditto —	465	113	352	
26th	— Ditto —	General Silveira	Quilimane	460	54	406	
—	— Ditto —	Conde dos Arcos	— Ditto —	477	52	425	
—	— Ditto —	Mariana Daphne	— Angola —	470	104	375	
27th	— Ship —	Felis Eugenia	Moçambique	672	217	455	
—	— Brig —	— Dezengano —	— Bahia —	320	—	320	4541
			Total,	14355	2024	12340	12340

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No. 67.

Henry Hayne, Esq. to The Marquess of Londonderry.—(Received September 2.)

(Extract.) *Rio de Janeiro, July 4, 1822.*

I HAVE this day, my Lord, made known to His Majesty's Consul-General the arrival of the schooner *Toninha*, fourteen days from Bahia, with two hundred and fifty-six Slaves on board, belonging to the same Owner, and coming precisely under the same circumstances (with Slaves belonging to the North of the Line) as the *Dezengano*, the particulars of which case I had the honour of forwarding to your Lordship on the 12th of May last, subsequently to which date, the endeavours of His Majesty's Acting Consul General and Myself, in bringing to justice, and making an example of such a bold and obvious violation of the Convention have, I regret to state, proved unsuccessful. Even supposing the Slaves to have been legally imported at Bahia, (which, judging from their cast, was not the case), the Convention prohibits their being sent coastways for traffick without a licence, *ad hoc*, and if the ship possesses such a licence, the fact of the Slaves having come from the north of the Line being notorious, renders it an evident connivance of the Authorities concerned.

Mr. Chamberlain has promised to do what he can to put a stop to this new and growing branch of contraband trade.

(Signed) HENRY HAYNE.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 68.

The Marquess of Londonderry to the British Commissioners at Rio de Janeiro.

(Extract.) *Foreign Office, July 31, 1822.*

I HAVE to acknowledge the receipt of Mr. Hayne's Despatch of the 16th of February 1822, respecting the delay in the sale of the Portuguese Slave vessel *Emilia*, and the neglect on the part of the Authorities at Rio de Janeiro, in directing the prosecution of Persons implicated in the Slave Trade.

Upon the general question regarding the due execution of the 3d Article of the Treaty, which provides for the punishment of Portuguese subjects who may be found engaged in the prohibited Traffick in Slaves, I have received The King's commands to direct His Majesty's Chargé d'Affaires at Lisbon, to make suitable remonstrances to the Portuguese Government.

(Signed) LONDONDERRY.

His Majesty's Commissioners, Rio de Janeiro.

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No. 69.

Henry Hayne, Esq. to The Earl of Clanwilliam.—(*Received November* 10.)

MY LORD, *Rio de Janeiro, August* 21, 1822.

I BEG, herewith annexed, to transmit to your Lordship, a list of the ships which have arrived at this Port with Slaves on board, for the purpose of traffick, from the 1st of April to the 30th of June last, in the same form as the list of the three preceding months, which I had the honour of forwarding to your Lordship. The number imported, my Lord, this year compared to the corresponding six months last year, is no less than an increase of six thousand five hundred and thirty-six. A partial increase may be accounted for by the arrival of three vessels from Bahia, which, not finding a good market there, owing, I presume, to the disturbed state of that City, came to this Port where their cargoes met with a ready sale, and fetched a higher price than those usually imported, owing to their being of a better race, doubtless from the north of the Equator, which is readily ascertained by their marks and language; however they were entered at the Custom-House at Bahia, as coming from Molembo.

I have the honour to be, &c.

(Signed) HENRY HAYNE

The Earl of Clanwilliam,
&c. &c. &c.

(Inclosure in No. 69.)

List of Slaves imported at Rio de Janeiro.—(*April to June,* 1822.)

Date of Arrival.	*Description.*	*Vessel's Name.*	*From whence.*	*Embarked.*	*Died on passage.*	*Arrived.*	TOTALS. *Embarked.*	*Died.*	*Arrived.*
1822.									
April 16th	— Ship —	St. Ant. Destimido.	— Angola —	747	228	519			
18th	— Ditto —	— Maria —	— Cabinda —	448	69	379			
—	— Brig —	— Santa Rosa —	— Ditto —	313	22	291			
23d	— Ditto —	Senr. do Baluarte	Quelimane	418	215	203			
							1926	534	1392
May 4th	— Ditto —	Conceiçao Passos	— Angola —	450	49	401			
8th	— Ditto —	Reino do Brazil	— Benguela —	425	37	388			
							875	86	789
June 6th	— Ditto —	Gram Penedo	— Cabinda —	459	27	432			
—	Schooner	— Urania —	— Angola —	302	34	268			
7th	— Ship —	— Amalia —	— Ditto —	760	153	607			
—	— Ship —	St. Anna Flor do Loando	— Cabinda —	545	11	534			
26th	— Brig —	— Legeiro —	— Benguela —	408	18	390			
27th	Schooner	— Toninha —	— Bahia —	256	—	256			
							2730	243	2487
			Total in the Month of January, 1822 - - -				2760	277	2483
			February - - -				6301	985	5316
			March - - - -				5303	762	4541
			Total in Six Months - - -				19895	2887	17008

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No. 70.

Messrs. Hayne and Cunningham to The Marquess of Londonderry. — (*Received November* 10.)

MY LORD, *Rio de Janeiro, August* 30, 1822.

WE have the honour to acknowledge the receipt of Your Lordship's Despatch of the 17th of May last,* inclosing the copy of a letter, dated the 2d of April, from the Secretary of the Admiralty, by which, my Lord, we are informed that the Instructions issued, in conformity to the Treaties for preventing the illegal Traffick in Slaves, to Naval Officers, will, for the future, be signed by two instead of three of the Lords of the Admiralty.

No ship has arrived here for adjudication since we had last the honour of addressing your Lordship.

We have the honour to be, &c.

(Signed) HENRY HAYNE.
ALEXR. CUNNINGHAM.

The Marquess of Londonderry, K. G.
&c. &c. &c.

* See Sierra Leone.—(General.)—No 2.

No. 71.

Henry Hayne, Esq. to The Marquess of Londonderry.—(*Received November* 11.)

MY LORD, *Rio de Janeiro, September* 12, 1822.

I HAVE already been more than three years out of England, and having suffered much from the heat of last year, and dreading to encounter the whole of the approaching summer, I beg leave to solicit your Lordship's permission to return to England, on leave of absence for six or eight months, for the purpose of recruiting my strength.

Neither on this plea, nor on any other, my Lord, should I be induced to beg such a favour of your Lordship, if I conceived that the service in which I am employed would be prejudiced by my temporary absence, the risque of which will not I think be considered doubtful, since my Colleague, Mr. Cunningham, and the Consul General (who is appointed Locum tenens by the Convention in the event of vacancy) are both on the spot, and have authorized me to inform your Lordship, that they are very ready to undertake the duty that will devolve upon them in consequence of my absence from my Post.

Under these circumstances, I trust, that your Lordship will be pleased to grant my request.

I have the honour to be, &c.

(Signed) HENRY HAYNE.

The Marquess of Londonderry, K. G.
&c. &c. &c.

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No. 72.

Messrs. Hayne and Cunningham to the Secretary of State.—(Received December 11.)

(Extract.) *Rio de Janeiro, October 19, 1822.*

WE have the honour to acknowledge the receipt, on the 7th instant, of your Lordship's Despatch, dated the 31st of July last, in reply to Mr. Hayne's Despatch of the 16th of February 1822, respecting the neglect of the Authorities at Rio de Janeiro, in directing the prosecution of Persons implicated in the Slave Trade, and informing us that your Lordship had made suitable remonstrances on the subject to the Portuguese Government at Lisbon.

With regard to those of the crew who incurred the penalty of the Law in the case of the *Emilia*, though neither of them were brought to this Port, yet they were left within the jurisdiction of this Government, and no steps were taken to apprehend them, or any proceedings made against them, although the Authorities were urged to proceed against them, verbally, by Mr. Hayne, and at his instigation, officially, by His Majesty's Acting Consul-General. The three who are liable to prosecution by the Law, are:

Severo Leonardo, the Master, who left the ship at Bahia, with the British Commander's permission, having been told by the same when the ship was to sail; in proof of which we beg to inclose the copy of some interrogatories which were taken before the Commission;

Domingos José Faria, the Pilot or Mate, who, on account of his being very ill, in consequence of an attempt to destroy himself, was left at Bahia, by permission of the British Commander;

Vincente Ferreira Milles, who embarked on board the Emilia, though his name does not appear in the Matricula, remained at Onim, on the Coast of Africa, whence the Slaves were exported. He sold the cargo, and shipped the Negroes at Onim, and, therefore, I conceive should be looked upon as the Supercargo, though not rated as such.

Nothing more, my Lord, has been done in this business since Mr. Hayne had the honour of addressing your Lordship on the subject, on the 16th of February 1822, and the only reason assigned for not proceeding against these people was, because they were not named in the sentence which condemned the vessel and cargo; and therefore the Judge of Contraband, who called himself the mere Executor of the sentences of the Mixed Commission, would not, *ex officio*, proceed against them, and the Prime Minister, in his reply to Mr. Cunningham, expressed himself satisfied with the said Judge's reasons. Both the Judge's report, and the Minister's reply, to the Acting Consul-General, to that effect, were inclosed in Mr. Hayne's Despatch of 16th February, to which we beg leave to refer your Lordship.

We do not see, my Lord, how far the Mixed Commission was authorized to sentence these people to a punishment, to which they were rendered liable by the Alvará, and not by the Convention, or by the Regulations with which we were furnished.

Under the new order of things here, we feel it to be our duty, my Lord, to remain at our Post, and to perform the functions of our Office, in every respect, as long as we are permitted so to do, and our Portuguese Colleagues continue to act with us, or until we are honoured with His Majesty's commands to the contrary.

(Signed) HENRY HAYNE.
ALEXR. CUNNINGHAM.

His Majesty's Principal Secretary of State for Foreign Affairs,
&c. &c. &c.

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(*Inclosure in No. 72.*)

Extract from the Proceedings against the Schooner Emilia, *captured by His Majesty's Ship Morgiana, William Finlaison, Esq. Commander.*

(Translation.)

ON the 18th of July 1821, William Finlaison, Esq. Commander of His Majesty's ship Morgiana, appeared before the Mixed Commission, and the following Interrogatories were put to him on oath, by the Portuguese Commissary Judge.

"Why did not you permit the Master, Severo Leonardo, to make a protest against the capture "of the schooner Emilia, at the time of the capture?"—Because, neither at the time of capture, or at St. Thomé, or on the Gold Coast, or at Cape Coast, or lastly, at any other place, day or hour, did the Master ask me for pen, ink, and paper for that purpose, or did he shew, or communicate to me, any wish to that effect, and it was only after we entered Bahia, in the cabin of the Morgiana, before some Officers of the ship, and other persons, that I heard the Owner, Manoel Francisco Moreira, say to the Master, why did you not make a protest, and I heard the Master reply, that having taken from him all the papers he had on board, "what was the use of protesting"

"Why did you allow the Master of the schooner to escape, when he should have come to give "his deposition before the Commission?"—Because it was his duty to defend his right, if he had any; I had no business to prevent his escape: adding that he did not hear the conversation between the Master and the Owner through the medium of an Interpreter, and that when it was over the Master smiled; that he communicated to him through Lieutenant H. S. Head, the day on which he expected to sail, and made the same participation to the British Consul at Bahia.

This was taken and signed before the Commissary Judges.

(Signed) WILLIAM FINLAISON, Captain.
THEO. DE MELLO, (Interpreter.)

Rio de Janeiro, October 17, 1822.

No. 73.

Mr. Secretary Canning to the British Commissioners at Rio de Janeiro.

GENTLEMEN, *Foreign Office, November* 26, 1822.

I SEND to you, for your information and guidance, the copy of a Despatch, addressed, on the 22d of February 1822, by The King's command, to His Majesty's Chargé d' Affaires at Lisbon, proposing, 1st, that the provisions of the Convention of the 28th of July 1817, for the case of the death of one of the Commissioners, shall extend to the case of vacancies occurring in the Commission from illness or absence on leave.—2dly, the copy of a Despatch, dated the 6th of April 1822, from His Majesty's Chargé d' Affaires at Lisbon, together with its Inclosure, signifying the readiness of the Court of Portugal to sign an Article to the effect suggested.—And, 3dly, the copy of an Instruction, which I addressed on the 25th of September 1822, by the King's command, to His Majesty's Chargé d'Affaires at Lisbon, inclosing the *Projet* of an additional Article for extending the provisions of the Convention in this particular accordingly.

So soon as any more specifick arrangement is agreed upon between the Parties, I shall lose no time in forwarding the same to you.

In the mean time, you will endeavour to come to an agreement with your fellow Commissioners, to act in the spirit of the intended arrangement.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners, Rio de Janeiro.

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No. 74.

Mr. Secretary Canning to Messrs. Hayne and Cunningham.

GENTLEMEN, *Foreign Office, January* 10, 1823.

YOUR Despatches to the 19th of October last have been duly received, and I cannot acknowledge the receipt of them, without adverting in terms of approbation to that part of your Despatch of that date, wherein you state that you feel it to be your duty to remain at your Post, and perform the functions of your Office in every respect, notwithstanding the political change which is taking place in the Dominions of Brazil.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioners, Rio de Janeiro.

No. 75.

Mr. Secretary Canning to Henry Hayne, Esq.

SIR, *Foreign Office, January* 14, 1823.

I HAVE received your Letter of the 12th of September 1822, addressed to the late Marquess of Londonderry, and I have laid the same before The King.

I am to convey to you His Majesty's gracious permission for you to come to England on account of ill health; such leave of absence to continue for the period of your voyage to England, for six months residence in this Country, and for the period of your voyage back to Rio de Janeiro.

You will take care to give due notice of your leave, and of your intention of availing yourself of it, both to the Mixed Commission, of which you are a Member, and to the Local Authorities at Rio de Janeiro.

I am, &c.

(Signed) GEORGE CANNING.

Henry Hayne, Esq.
British Commissary Judge, Rio de Janeiro.

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SURINAM.

No. 76.

C. E. Lefroy, Esq. to William Richard Hamilton, Esq.—(Received April 22.)

SIR, *Surinam, February 8, 1822.*

I HAVE the honour to acknowledge the receipt, yesterday the 7th instant, of your letter, dated 25th October 1821, informing me, by direction of the Secretary of State, that the instructions referred to in the Treaty with the Netherlands for the prevention of the Slave Trade, which had been issued to His Majesty's ship *Euryalus*, upon the West Indian station, have been transferred from that ship to His Majesty's ship *Tamar*, of sixteen guns, Captain Sir William Saltonstall Wiseman.

I am, &c.

(Signed) CHRIS. EDWD. LEFROY.

William Richard Hamilton, Esq.
&c. &c. &c.

No. 77.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received May 23.)

(Extract.) *Surinam, March 19, 1822.*

I AM happy to say that we continue without any open arrivals of Slaves since May last, but I have reason to fear that some contraband importations have been effected.

(Signed) CHRIS. EDWD. LEFROY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 78.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received July 4.)

(Extract.) *Surinam, May 1, 1822.*

ON the subject of the *Process of our Court*, I regret to inform your Lordship that, notwithstanding the repeated importunities of myself and late Colleague, *the Mixed Court is actually without any process by which it can act, up to this day*; the Authorities here having refused the English forms of practice, which, in obedience to your Lordship's directions, we pressed upon their adoption as soon as we arrived. The late Dutch Judge, Mr.

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Chagnion, was ordered (as we were informed), to arrange a form of proceeding according to the Dutch Law, but he having died without discharging that duty, the fulfilment of it devolved, of course, to his Provisional Successor under the Treaty, viz. our late Governor, Mr. Vaillant, who promised his immediate attention to it, but who has *done nothing up to this day*; and I cannot forbear saying, that if his Successor persists in the same negative conduct upon the subject of the Treaty, in the execution of which I have the honour to be employed, the increase of clandestine importations will, it is to be feared, be nearly, if not fully, commensurate with the restriction of the open traffick. The Slave Trade, it is obvious, is not a practice to be overcome by gentle admonitions, or merely negative prohibitions, or any thing short of the energetick measures pursued by the British Government, conducted as it is by miscreants whose inhuman character no language can adequately designate, and the profits of which are nearly in proportion to the risk; but so far from the Authorities of this Colony having *hitherto* made any active use of the means which are in their hands for the suppression of this murderous traffick, I am reluctantly compelled to acquaint your Lordship that the Comet, Dutch frigate, and Swallow, brig of war, both commissioned under the Treaty, and also a brig of war, called the Thetis, maintained at the expence of, and belonging to, the Colony, have been, one or other of them, laying off the Town more than once when Slave-vessels have been hovering off the mouths of the rivers (and some of which, I have reason to fear, have effected a disembarkation of their cargo), without ever quitting their moorings, instead of cruizing occasionally up and down the coast to interrupt or observe them.

I am happy to say that we continue without any open arrival of Slave-vessels since May last, and that, although an offer which I made of a reward for the conviction of *English* Slave-traders has been rejected, I am not without hope, from the subsequent seizure of a vessel for Slave-smuggling, the Parties concerned in, and circumstances of which, are now undergoing the proper inquiry, (the first that has been instituted here, to my knowledge, since I have resided here), that it will have the effect I desired, viz. that of provoking the Government of this Colony in future to a little more activity: your Lordship will not, I am persuaded, feel it the less necessary to make the Mixed Court efficient, by calling upon the Ministers of His Netherlands Majesty, either to furnish it with a form of Process agreeable to the Dutch Laws, or to give directions to the Dutch Commissioners here to adopt that practised in the British Courts, agreeably to your Lordship's proposal made to them through us. It is only necessary for me farther to inform your Lordship, at present, that no Court or apartment has been appropriated to the Mixed Commission since the building originally designed for that purpose was burnt down, in January 1821, and that no Commissioner has yet been appointed to take the place of Mr. Chagnion, who died so long ago as November 1820.

I shall of course communicate to the Fiscal here, from time to time, all the information I can obtain against illicit Slave-traders, but in a Slave country, where the testimony of Slaves is not evidence, your Lordship will easily believe that it will be, in nine cases out of ten, impossible to procure legal *proof*.

(Signed) CHRIS. EDWD. LEFROY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

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No. 79.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received July 5.)

(Extract.) *Surinam, May* 10, 1822.

I HAVE the honour to acquaint your Lordship that a vessel has been seized for Slave-smuggling, the Parties and circumstances of which are undergoing inquiry: I have since been so fortunate as to obtain from two of the crew the depositions of which the inclosed are copies. I also inclose copy of a letter which I thought it my duty to address to the Fiscal.

The Governor has called on me to say, that he had ordered the accused, *Charles Beverley*, into custody to be examined, and, if the evidence was found adequate to support the charge, to be proceeded against regularly in the Court of Criminal Justice here, called the Court of Policy, and I am happy to say that the man is now in the criminal gaol here awaiting the proceedings of the Court, which are at present, I believe, in the preliminary stage, corresponding with the inquest of our Grand Juries: with the result of their proceedings, whether they *ignore* the bill, or put the man upon his trial, I shall of course acquaint your Lordship as soon as I know it.

Your Lordship will see that I have ventured to act in the present case a little beyond the letter of your directions, and you will of course correct me if I have done wrong; but I thought it of such great importance that an example should be made of the present prisoner, and felt so confident that this would be the case if his trial took place in a British Colony, (for the Slave Trade by a British subject is now become patricide as well as felony, and I am sorry to say there are other Englishmen in this Colony more criminally and extensively engaged in it than the prisoner,) that I thought myself called upon to make to the Governor the offer which I did, even without any direct authority from your Lordship to that extent.

Begging more precise instructions from your Lordship for my future guidance in such cases, I have the honour, &c.

(Signed) CHRIS. EDWD. LEFROY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(First Inclosure in No. 79.)

Deposition *of Johanes Pierre Clairac.*

Paramaribo, Surinam, South America, May 1, 1822.

APPEARED personally before me, (Christopher Edward Lefroy, Judge of the Mixed Court for the suppression of the Slave Trade, established at Surinam, South America, on the part of His Britannick Majesty,) Johanes Pierre Clairac, Freeman and Creole of this Colony, and late serving on board the Thetis brig of war, belonging to this Colony, who being duly sworn, maketh oath, and saith, that, since the beginning of the present year, (but the day or month in which he cannot specify), he sailed from hence to Martinique in a sloop belonging to and commanded by *Charles Beverley*, an Englishman, now residing in the Colony of Surinam, where (that is to say at Martinique), this deponent maketh oath, and saith, that he, the said Charles Beverley, took into the said sloop a cargo of twenty-two new Negroes, apparently recently imported into Martinique from Africa, all of whom he this deponent swears, to the best of his knowledge and belief, had never been employed as Slaves on a plantation till within a very short period of his, this deponent's, arrival at Martinique, where they were found by the said sloop on a small plantation to the leeward of the Island, and embarked on board the same by the said Charles Beverley, in the middle of the night; and this deponent, on his oath, further saith, that he made sail on board the said sloop from Martinique, with the said Charles Beverley and the said Africans, direct to the Coast of Nickerie, a district of this Colony of Surinam, where all the said Africans (except one, which he, this deponent, maketh oath that the said Charles Beverley brought to his own house, near

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Paramaribo, were disembarked, and put on shore; and this deponent, on his oath, further saith, that he saw no more of any of the said Africans (except the one aforesaid), after their disembarkation from the said sloop, on the Coast of Nickerie; and that he does not know to whom they were consigned, to whom they belong, or in whose possession they, or any of them, now are, except the one so brought by the said Charles Beverley to his house, near Paramaribo, as aforesaid, which, as far as this deponent is informed and believes, still remains in his possession; and this deponent further saith, that there was one white sailor, besides the said Charles Beverley, engaged and taken on board the said sloop to serve as a sailor therein, by the said Charles Beverley, at Martinique, whom he, this deponent, verily believes to be an Englishman, but who was only known to him, this deponent, by the name of Jim.

(Signed) JOHANES PIERRE CLAIRAC.

On the first day of May 1822, the said Johanes Pierre Clairac was duly sworn to the truth of this affidavit, before me,

(Signed) CHRIST. EDWD. LEFROY,
Brit. Com. Judge.

(*Second Inclosure in No. 79.*)

Deposition *of James Eley.*

Paramaribo, Surinam, South America, May 3, 1822.

APPEARED personally before me (Christopher Edward Lefroy, Judge of the Mixed Court for the suppression of the Slave Trade, established at Surinam, South America, on the part of His Britannick Majesty,) James Eley, native of the Parish of Clerkenwell, in the County of Middlesex, seaman, lately serving on board the American merchant brig, called the Liberty, who being duly sworn, maketh oath, and saith, that on or about the 11th day of March, in this present year, he was engaged at St. Pierre, in the Island of Martinique, by Captain *Charles Beverley*, (to the best of this deponent's knowledge and belief an Englishman, generally resident in the Colony of Surinam,) to serve on board a sloop, called the Heriot, (then commanded by, and as far as this deponent is informed and believes, belonging to the said Charles Beverley,) at the rate of fourteen dollars per month, but that neither the nature of the cargo which the said Charles Beverley was in quest of, nor the voyage projected by him, entered into the terms of the engagement between him, this deponent, and the said Charles Beverley, nor were known to him, this deponent, at the time of his engagement, further than that the said Charles Beverley told him, this deponent, that he was going to Surinam, and this deponent farther saith, that in a day or two after his embarkation on board the said sloop, (that is to say) on or about the 13th March, he made sail with the said Charles Beverley, in the said sloop from the harbour of St. Pierre, to a part of the coast of the said Island, between the towns of St. Pierre and Port Royal, where they took into the said sloop a cargo of twenty-two new Negroes, apparently recently imported into Martinique, from Africa, all of whom he, this deponent, swears, to the best of his knowledge and belief, had never been employed as Slaves on a plantation, till within a very short period of their embarkation on board the said sloop at the Place aforesaid, in the Island of Martinique, where they were found by the said sloop and embarked on board the same, by the said Charles Beverley, about the hours of eleven and twelve o'clock at night, and this deponent farther saith, that he made sail on board the said sloop from Martinique, with the said Charles Beverley, and the said twenty-two new Negroes, immediately after their embarkation, direct to the Coast of Nickerie, a district (as far as this deponent is informed and believes) of the Colony of Surinam, where all the said Negroes (except one which accompanied him, this deponent, on board the said sloop to Paramaribo,) were disembarked and put on shore; and this deponent on his oath farther saith, that he saw no more of any of the said twenty-two new Negroes, so embarked on board the said sloop at Martinique as aforesaid, (except the one aforesaid) after their disembarkation from the said sloop on the Coast of Nickerie, and that he does not know to whom they belong, or in whose possession they or any of them now are.

(Signed) JAMES ELEY.

On the 3d day of May 1822, the said James Eley, was duly sworn to the truth of this affidavit before me. (Signed) CHRIS. EDWD. LEFROY,
Brit. Com. Judge.

(*Third Inclosure in No. 79.*)

The British Commissary Judge to the Fiscal.

SIR, *Paramaribo, May 4, 1822.*

UPON the evidence now before you, of Johanes Pierre Clairac, and James Eley, you see, Sir, that my suspicions of Slave-smuggling into this Colony are not unfounded. I invoke upon *Charles Beverley* (whom I hope you have in close custody) the penalties of Article 1 of your law of No-

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vember 1818, unless the Governor (to whom I shall immediately apply) will, in compliance with the wishes of my Government, deliver him over for trial, with the witnesses, to the Governor of Berbice, or some other British Colony. I am aware, Sir, that my judicial duties only extend to cases of vessels brought before me by a Dutch or British cruizer; but I should ill discharge my duty as an international officer, appointed to execute and see executed a solemn Treaty, either to my Government or your's (whose character for good faith and sincerity might otherwise be compromised,) if I had failed to complain of the utter inactivity upon this subject which prevailed throughout the Government of M. Vaillant, especially during the early part of my residence here. I hope better things of his Successor; but I need scarcely say to a man of your professional intelligence, that the Slave Trade is not a practice to be overcome by gentle admonitions, or merely negative prohibitions, or any thing short of the energetick measures pursued by the British Government, conducted as it is by the most demoralized and inhuman desperadoes, and the profits of which are nearly in proportion to the risk. At all events, I call on you officially to detain the persons of the witnesses now in your custody, and to take immediate steps for securing that of the said Charles Beverley, till I have had time to communicate with the Governor upon the subject; and I farther beseech you, Sir, that you would pursue the investigation of the case with your characteristick energy, in order to discover the other Parties concerned, and if they are Englishmen, that you would furnish me with their names, and those of the witnesses against them, with copies of their depositions, in order that I may, in obedience to my directions, transmit them to my Government, or send them for trial, if I can prevail with His Excellency to take that step, to the nearest British Settlement.

I have the honour to be, &c.
(Signed) C. E. LEFROY.

His Honour The Fiscal.

No. 80.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received July 5.)

MY LORD *Surinam, May* 16, 1822.

I HAVE the honour to acknowledge the receipt, on the 13th instant, of Your Lordship's Despatch, dated January 15th, inclosing the copy of a Note from the Ambassador of The King of the Netherlands at the Court of London, addressed to Your Lordship, announcing the appointment of the Netherlands corvette *Kemphaan* to the service of the suppression of the illicit Slave Trade.

I have the honour to be, &c.
(Signed) CHRIS. EDWD. LEFROY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 81.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received August 11.)

MY LORD, *Surinam, June* 4, 1822.

I HAVE the honour to inclose your Lordship the copy of a Letter addressed to me by Major-General de Veer, the present Governor-General of this Colony, announcing the appointment of Mr. A. F. Lammens, Member of the Court of Civil Justice, to the office of Judge of the Mixed Court, under the Treaty for the suppression of illicit Slave-trading, on the part of His Majesty The King of The Netherlands, in the room of Mr. P. J. Chagnion, deceased, and to acquaint you that Mr. Lammens has since duly taken the oath prescribed by the Treaty for such appointment.

I have the honour to be, &c.
(Signed) CHRIS. EDW. LEFROY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

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(*Inclosure in No.* 81.)

The Governor of Surinam to the British Commissary Judge.

(Translation.) *Paramaribo, May* 17, 1822.

I HAVE the honour of notifying to you, that His Majesty The King, by His Decree of the 8th of January 1822, (No. 27.) has been pleased to appoint Mr. A. F. Lammens, Member of the Court of Civil Justice in this Settlement, to be Judge of the Mixed Commission for the prevention of the Slave Trade.

Accordingly, as this Gentlemen will have frequent intercourse with you, nothing will afford me greater satisfaction than to be informed that perfect harmony and similarity of sentiments uniformly prevail between you, Sir, and the Judge in question; for it will tend to promote the accomplishment of the objects which both Powers have in view.

(Signed) A. DE VEER.

C. E. Lefroy, Esq.

No. 82.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received September 4.)

MY LORD, *Surinam, July* 2, 1822.

I HAVE the honour to inclose you a copy of a *Mode of Procedure* for the Mixed Court established in this Colony, already arranged with me by Mr. Lammens, since his appointment to the Office of Judge on the part of The King of the Netherlands, subject, however, to His Majesty's approbation. This arrangement appears to me to embrace the directions of the Treaty, and all the essential points of the Regulations provided for the Courts in the English Colonies, from which we design to translate the forms of the pleadings, for the use of our Proctors, almost literally; but it is necessary for me to call Your Lordship's attention particularly to the latter part of the sixteenth Article. By Your Lordship's present directions, I am ordered to remit the full moiety of the produce of condemned ships, without any deductions for salary or contingent expences, to the Lords Commissioners of His Majesty's Treasury; this is of no consequence; but as the costs of proceeding by a Proctor to obtain the condemnation of a vessel, may be very considerable, and must in the first instance be defrayed by the Naval Officer employing him, to whom it may often be a serious inconvenience to advance such a sum of money till he can be reimbursed from home, it appears to me very desirable that the Court should be furnished with a discretionary Power of ordering the payment of these costs, out of the produce of the sale of the condemned vessel, where (as, in all probability, will most frequently be the case) the Master of the condemned vessel, or Claimants, have no other funds within reach of the jurisdiction of the Court. If Your Lordship thinks this suggestion reasonable, I will beg you to communicate to me your approbation of my exercising, in concurrence with my Colleague, such a discretion, as I feel myself precluded by my present instructions from so doing. Mr. Lammens informs me that he is already furnished, by the Ministers of His Majesty The King of the Netherlands, with sufficient authority for that purpose. With the spirit of integrity, cordiality, and good faith in which this Gentleman has commenced his attention to the duties of his new appointment, I am happy to express to

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Your Lordship my entire satisfaction, although Your Lordship sees that the Mixed Court, as at present constituted, how anxious and zealous soever for the accomplishment of its great object, can only take cognizance officially of cases brought before them by a Dutch or British cruizer.

I have the honour to be, &c.

(Signed) CHRIS. EDW. LEFROY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

(*Inclosure in No.* 82.)

Mode of Process, or Form of Procedure for the Mixed Court at Surinam, for the Prevention of the Slave Trade.

(Translation.)

ARTICLE I.

THE judgment of the Court is to be given as summarily as possible, and without appeal, about,
1st. The validity of the attachment laid on vessels used in the Slave Trade, and their forfeiture.
2dly. The invalidity of the detention of vessels, and the recovery of damages, claimed therefore.
(Treaty, May 4, 1818, Instruction for the Courts, Art. 3, 6, 7.)

ARTICLE II.

The sentence (if possible), shall be pronounced within twenty days. (Treaty, May 4, 1818, idem Art. 1.)

ARTICLE III.

In order to fulfil that part of the law, the commissioned Captain, or the person in charge of the captured vessel, shall make his declaration with regard to the arrested vessel or vessels, within thrice four and twenty hours after the vessels are come into the river of *Surinam*; which declaration, written in the Dutch language, and under his oath, he is to deliver into the hands of one of the Judges or the Secretary of the Court, and in case of his not fulfilling this, then the Captain or Master of the arrested vessel shall deliver in his declaration, in the same manner, written in the Dutch language, within the following twice four and twenty hours; in this last event, the commissioned Captain, if even he has made his arrest properly, shall be condemned in the costs of the Process.

ARTICLE IV.

The Secretary shall, within twenty-four hours after the delivery of the aforesaid declaration, by the doorkeeper, by way of affixing a *citation* to the door of the Court of *Civil Justice*, and by personal service of the same, (of which he shall make his report to the Court), summon both Parties, or their Attornies, to appear within three free days before the Court, (fixing, in the citation, day, hour, and place), to hear the claim and conclusion made by the Parties or claimant, in order to answer thereupon, and to proceed with the Process from three to three days.

ARTICLE V.

The arrested person, plaintiff, or claimer, shall deliver in, the first day, all his Documents and evidence, upon which the Secretary shall put his exhibitum, and give a receipt for the same.
The person arrested, plaintiff or claimer, shall not or may avail himself of any others, or more, without consent of his adversary.

ARTICLE VI.

All Documents in use before the Mixed Court, are exempt from stamp duty.

ARTICLE VII.

All Documents may be inspected by the opposite Party, and extracts or copies taken thereof; which shall be delivered by the Secretary at the expence of those that may require them.

ARTICLE VIII.

At all the terms, the respective Parties shall proceed, by way of memorial, to answer, reply, and rejoin; after which, the case shall be considered as determined, without pleading.

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ARTICLE IX.

The Court may, for their own particular information, require such documents as they may deem proper.

ARTICLE X.

In case the arrested or defendant, may want more than three days to produce justificatory evidence, then a delay of four weeks, at the utmost, may be allowed him, to deliver in his answer, in order that the definitive sentence may be pronounced within two months. (Treaty, 4th May 1818. Instructions for the Courts of Justice, Article I.)

ARTICLE XI.

Should the arrested or defendant apply for a longer delay, as necessary to bring forward evidence, in this case four months may be granted him, in addition to the before mentioned time of four weeks,—nevertheless under these conditions, that he shall give on his part, unlimited and sufficient security, satisfactory to the Court, to make good all farther costs of process, demurrage, damages, &c. which may result therefrom, or occur within that period, or of such which may be purely accidental, and that may stand in no connexion with the Lawsuit. (Treaty, 4th May 1818, idem.)

ARTICLE XII.

In case by the decision of the Court the arrest or detention be declared unlawful, then the Captain of the arrested or detained vessel shall deliver to the Secretary his claim for recovery of damages, within four times twenty-four hours, and the proceedings continue as is expressed before, Article 4. and following.

ARTICLE XIII.

As soon as sentence shall be pronounced, notice thereof shall be given immediately to His Excellency the Governor of this Colony, and (if need be), his assistance be asked, to effect the execution of the same. (Ministerial Instruction, July 18, 1819.)

ARTICLE XIV.

Proctors and Attornies shall be admitted, before the Mixed Court, provided they have previously taken the oath prescribed before one of the Judges, and of which the Parties shall be informed at the delivery of their declaration of arrest or detention. (The King's Decree, August 1, 1820.)

ARTICLE XV.

To the Proctors or Attornies, if required, shall, at their expence, be given:
1st. Authentick Copy of the Treaty, May 4, 1818.
2dly. This mode of procedure, and such forms as are stipulated thereby.

ARTICLE XVI.

The Secretary is authorised to tax the costs of the Proctors, &c. and, in case of the opposite Party not being satisfied, he may bring the same before the Court for re-examination, and all costs shall be paid by the Party against whom judgment may be given; or, in case the arrested vessel shall be condemned, the same may be paid out of the produce thereof, if the Court should be authorised thereto, and should think it expedient so to order.

ARTICLE XVII.

A proper Register shall be kept by the Secretary, to take down every thing that is going on before the Court.

ARTICLE XVIII.

This mode of procedure may be enlarged and altered as circumstances might require.

ARTICLE XIX.

If the Judges cannot agree in regard to the construction of these Articles, or the jurisdiction of the Court, it shall *(pro re nata)*, be decided by one of the Arbitrators (to be chosen by lot), upon reference to the Treaty and Ministerial Instructions.

This form of process to be sent for approbation to His Majesty The King of the Netherlands, and, in the mean time, provisionally adopted by the Mixed Court sitting at *Surinam*.

(Signed) A. F. LAMMENS.
CHRIS. EDWD. LEFROY.

Paramaribo, June 19, 1922.

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No. 83.

C. E. Lefroy, Esq. to The Marquessof Londonderry.—(Received September 13.)

MY LORD, *Surinam, July 23, 1822.*

I HAVE the honour to acknowledge the receipt of your Lordship's Despatch, dated May 17, 1822,* communicating the copy of a letter from the Secretary to the Admiralty, to Joseph Planta, jun. Esq. intimating, that in future there would be only two signatures of the Lords Commissioners of the Admiralty, to the Instructions issued in conformity to the Treatics for preventing the illegal Traffick in Slaves.

I have the honour to be, &c.

(Signed) CHRIS. EDW. LEFROY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

* See Sierra Leone.—(General.)—No. 2.

No. 84.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received October 28.)

(Extract.) *Surinam, August 22, 1822.*

AS there is generally a long discontinuance of any direct intercourse with Europe after this month, and the opportunities of communication through our Colonies is quite accidental, I thus early renew my solicitation for the indulgence of a Furlough, to return to England in the ensuing Spring. It is, moreover, my Lord, of course desirable, if such indulgence can be extended to me, that I should have some little notice, and I shall not probably receive your Lordship's reply to this application within six months at least.

I have nothing of official importance to communicate to your Lordship.

(Signed) CHRIS. EDW. LEFROY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

No. 85.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received November 20.)

(Extract.) *Surinam, September 20, 1822.*

FROM the Inclosures which I have now the honour to submit to you, (viz. copies of a Letter addressed by me to the present Governor-General of this Colony,—translation of a Proclamation of His Excellency,—and, copy of a Letter I have thought it my duty to address to the Governors of the neighbouring British Colonies,) your Lordship will learn that *Charles Beverley*, the British Slave-trader, already reported to your Lordship, has contrived, since the date of my last Despatch, to make his escape from the Criminal Gaol of this Colony, and that the Fiscal has restored the Negroes brought in

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here by Beverley, to Monsieur le Martineau (the consignee,) upon his giving security (as I am informed,) that he would prove the lawfulness of their importation; I am sorry also to say, that the Governor has declined my offer of a reward for the re-capture of Beverley, and I cannot but regret, that no reference to the offence for which he was imprisoned is made in the accompanying Proclamation. I am not aware that it is open to me to take any further step in this business than I have done.

Your Lordship has well observed, in a letter to The Earl of Clancarty, dated the 21st of March 1821, and printed in the Parliamentary Papers, "that the "continuance of this horrible Trade, or its abolition within the dominions of "the Netherlands Government, to which His Netherlands Majesty is solemnly pledged by Treaty, depends entirely upon the tenour of the orders "which they may send out to their Colonial Possessions." But the Treaty has now been concluded nearly five years, and (excepting in my present Colleague, M. Lammens, who is but just appointed, and is scrupulous of interfering with the duties of the Executive Government here,) I cannot perceive in any other of the Surinam Officers of His Netherlands Majesty, either civil or military, the slightest appearance of any peremptory orders, in the *bonâ fide* spirit of the Treaty, having been received by them, towards accomplishing the object of the Treaty. So far from cordially co-operating with me, if any good has been effected since I have been here, it has been effected only by the most irksome and continuous extra-judicial importunity on my part, which ought not to have been necessary, and at the utmost expense possible of trouble and expostulation to your Lordship, and His Majesty's Ambassador in Holland. Will your Lordship think me too presumptuous, if I suggest that there is still one step by which the Government of His Netherlands Majesty may satisfactorily evince their earnestness and good faith in this important cause, (viz.) the introduction into this Colony of a Registry Act, similar to that enforced in the British Colonies? This Act, your Lordship sees, although it might in some degree be crippled, could not be entirely defeated; because, by making the registration of Slaves indispensable to the Owner's title, the neglect of complying with its provisions would put people in the power of each other.

I beg to take this opportunity of acquainting your Lordship, that on the 29th ultimate, Captain Herbert, of the English corvette *Icarus*, and Captain Crole, of the *Surinam* brig of war, did me the honour to call on me, and that I pointed out to them those parts of the Coast where I had reason to think illicit debarkations of Slaves had been effected, and expressed my opinion of the importance of their occasionally shewing their colours here.

(Signed) CHRIS. EDW. LEFROY.

The Marquess of Londonderry, K. G.
&c. &c. &c.

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(*First Inclosure in No.* 85.)

The British Commissary Judge to the Governor of Surinam.

MAY IT PLEASE YOUR EXCELLENCY, *Paramaribo, September* 16, 1822.

ON my return home this evening, I was informed that *Beverley*, the English felon, had escaped from the Fort. Your Excellency will, I think, agree with me, that this could scarcely have happened without collusion or gross negligence somewhere, which (no doubt) Your Excellency will enquire into and punish. The object of this note is merely to ask whether there is any way (such as joining Your Excellency in offering a reward or otherwise) in which I can assist Your Excellency in his re-apprehension.

With due consideration, &c.

(Signed) CHRIS. EDWD. LEFROY.

His Excellency Major-General de Veer.

(*Second Inclosure in No.* 85.)

Proclamation of the Governor of Surinam.

(Translation.)

CAUTION.

WHEREAS, the Person of *Charles Beverley* being confined in the Fortress of Zelandia, he contrived yesterday evening to escape out of Prison, and it being of the highest importance that this Person should again be taken into custody, all and every one are hereby duly warned not to lodge or harbour the said Charles Beverley, much less to help him in his further escape, but on the contrary, each and every one possessing any knowledge where the said Charles Beverley maintains himself, is invited immediately to communicate the same to the Magistracy here, and in case the above-mentioned escaped Prisoner should be discovered upon a plantation, thereof immediately to give notice to the Commanding Officer of the nearest established Post. All Officers, and other military men, upon the outposts, moreover being charged to look well to it, that the said Charles Beverley does not pass their Post, but, attempting the same, that he is there detained, such Officers and military men being further charged to make the necessary researches after the same, and upon discovering him, immediately to arrest him and send him in safe custody to Paramaribo.

At the time of his escape, the said Charles Beverley was clothed with long white trowsers, white shirt, and black waistcoat.

Description of his Person.

Height - - - -	guessed about five feet seven or eight inches.
Figure - - - -	rather stout and well made.
Age - - - - -	about thirty-one.
Forehead - - -	round.
Eyes - - - - -	black.
Eyebrows - - -	black and large.
Nose - - - -	aquiline and thickish.
Mouth - - - -	broad and shewing the teeth when speaking.
Countenance - -	oval.
Colour - - - -	red brown.

And in order that every one may have due notice hereof, We charge and command that these presents shall be published and affixed every where, where it is customary to publish and affix such notifications, and further, that it be sent round from plantation to plantation along the rivers.

(Signed) A. DE VEER.

Given at Paramaribo, this 17th day of September 1822.

and, by order of His Excellency,
J. C. GUICHERIT,
Government Secretary.

(*Third Inclosure in No.* 85.)

C. E. Lefroy, Esq. to the Governor of Barbadoes, Demerara, and Berbice.

SIR, *Paramaribo, September* 19, 1822.

YOUR Excellency will see, by the three enclosures which I have the honour to transmit to you (of which two are copies of depositions taken by me, and the third the copy of a Proclama-

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tion issued by the Governor of this Colony, that *Charles Beverley*, who stands charged in those depositions with the illicit introduction into this Colony of African Negroes, and is become thereby subject to the penalties of the 46th Geo. III. ch. 52; 47th Geo. III. ch. 36; and 51st Geo. III. ch. 23,) made his escape from the criminal gaol of this Colony on the evening of Monday the 16th instant. Should he presume to take shelter within Your Excellency's Government, it would be, I am sure, quite superfluous in me to add any thing to the accompanying papers to induce Your Excellency to take every proper measure for his re-ception, and should that be effected, either to deliver him back to the Authorities of this Colony, or to lodge him in safe custody, to be dealt with according to the English Abolition Laws, and to have the goodness to acquaint me with his arrest by the earliest opportunity, in order to my communicating further with Your Excellency upon the subject. In the mean time, I will beg a line from Your Excellency in acknowledgment of these present advices.

As Beverley is the first English illicit Slave-trader in this Colony against whom I have been able to obtain any decisive evidence, I am the more anxious that an example should be made of him.

I have the honour to be, &c.

(Signed) CHRIS. EDW. LEFROY.

P. S. Your Excellency will, I trust, think it right to cause a copy of this Letter and its Inclosures to be forwarded to the Magistracy of the Islands, in subordinate connection with your Government, as I have no other means of communication with them than through Your Excellency.

His Excellency Major-General Sir Henry Ward, K. C. B.
&c. &c. &c.

N. B. A similar Letter was sent to the Governors of *Demerara* and *Berbice*.

No. 86.

C. E. Lefroy, Esq. to The Marquess of Londonderry.—(Received Nov. 20.)

MY LORD, *Surinam, September 23, 1822.*

I HAVE the honour to acknowledge the receipt of your Lordship's letter, of the 11th of June 1822,* acquainting me that instructions under the Treaty with the Netherlands for the prevention of the Slave Trade, had been issued to the following of His Majesty's ships, viz.

The *Bann*, . . twenty guns, C. Phillips, ... Commander.
. . *Cyrene*, . twenty guns, Percy Grace, ... Commander.
. . *Driver*, . eighteen guns, Thomas Woolridge, Commander.

And that those issued to the *Pheasant*, *Myrmidon*, and *Morgiana*, would be recalled.

I have the honour to be, &c.

The Marquess of Londonderry, K. G. CHRIS. EDWD. LEFROY.
&c. &c. &c.

* See Sierra Leone.—(Netherlands.) No. 37.

No. 87.

Mr. Secretary Canning to C. E. Lefroy, Esq.

SIR, *Foreign Office, September 25, 1822.*

I HAVE received your Despatches of the 1st and of the 10th of May 1822, which complain of the supine conduct of the Colonial Authorities at Surinam, in regard to the suppression of the Traffick in Slaves, and which notice a late

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occurrence there, in the seizure of a vessel, on suspicion of being engaged in smuggling into that Colony, Slaves recently imported from Africa.

This occurrence, it appears, had brought to light charges of a very heinous nature against *Charles Beverley*, a British subject, for being principally concerned in one, if not more, of these transactions.

In the state in which this affair was left when last you wrote, it must naturally have been terminated, before you could receive an answer from hence:—But the question which it involves is now under consideration, and I shall not fail to furnish you with such instructions thereon, as the case may warrant.

I have not delayed to forward copies of your Despatches to His Majesty's Ambassador in the Netherlands, with directions to make the strongest representations to the Netherlands Government, with a view to the issue of more decisive instructions from that Government to their Colonial Authorities, and to their cruizers, to prevent the infraction or the evasion of the solemn compacts subsisting upon this subject between the two Countries.

I am, &c.

C. E. Lefroy, Esq. (Signed) GEORGE CANNING.

No. 88.

Mr. Secretary Canning to J. H. Lance, Esq.

SIR, *Foreign Office, September* 25, 1822.

HIS Majesty's Government having permitted you to delay repairing to your Post unto that period of the year, when an European may, without imminent danger to his health, establish himself in the climate of Surinam, I have, (that period being now arrived,) to convey to you The King's commands, that you proceed without further delay, to execute the duties of His Majesty's Commissioner of Arbitration to the Mixed British and Netherlands Commission, established at Surinam, under the Treaty between His Majesty and The King of the Netherlands, concluded at the Hague, on the 4th day of May 1818, for the prevention of the Traffick in Slaves.

I have the honour to send to you herewith the Commission, bearing date the 27th day of April 1822, by which The King was pleased to appoint you to the above-mentioned Situation.

You will show your Commission to Mr. Lefroy, and after conferring with that Gentleman, who will introduce you to the Netherlands Commissioners, and to the local Authorities, you will proceed to take the requisite oaths, in the form prescribed, and will enter upon the duties entrusted to your charge.

You will consider the instructions sent out from this Office for the guidance of your Predecessor, and Mr. Lefroy, as equally addressed to yourself:—and will make those instructions, together with the Treaty above-mentioned, and the Act of Parliament consequent upon it, the rule of your conduct.

Further instructions and directions will be forwarded to you from time to time, as circumstances may require.

I am, &c.

(Signed) GEORGE CANNING.

His Majesty's Commissioner of Arbitration, Surinam.

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No. 89.

C. E. Lefroy, Esq. to Joseph Planta, jun. Esq.—(*Received Feb. 7*, 1823.)

(Extract.) *Surinam, October* 24, 1822.

FROM the very melancholy intelligence which has reached this Colony of the death of the late Marquess of Londonderry, I have to request you will lay the inclosed papers before his Successor. The information they contain, places beyond all doubt the fact of contraband importations of Africans to an indefinite extent, taking place in this Colony, up to this day, which all my importunities have failed hitherto to obtain from the local Authorities here any adequate exertion to suppress; a fact, of which I conceive a clear proof to be of some importance, because, from the Papers lately laid before Parliament, which I have had the honour to receive from you for my information and guidance, the Ministers of His Netherlands Majesty, seem to me to be much disposed to maintain strenuously a very inauspicious scepticism on that point.

Inclosed is the copy of a Deposition of Cornelius O'Sullivan, lately employed by one of the most desperate Slave Traders in this Colony, whose motive for making the disclosure he did to me, was a quarrel with his Owner, which I mention, because His Excellency the Governor-General (contrary to all English Legal and Police experience) was disposed to consider it as quite destructive of his credit, till his relation was happily confirmed by the very opportune arrival of Letters (of which the inclosed are copies) from Captain Edwins Rich, of His Majesty's sloop Bustard.

The information which I thus received I immediately communicated to the Governor, and subsequently waited upon him, with Captain Rich in person, to offer him any further information, and also any assistance which Captain Rich could give him (either by taking down to the place where he left the Slave-vessel, a party of soldiers, or otherwise) consistently with the limits of his discretion in this service. His Excellency declined any assistance from Captain Rich, but immediately sent down a party of soldiers to the spot, and has since reported to me the result of their inquiries, which is, that the vessels described by Captain Rich had disappeared before their arrival, but that, from the appearance of a Negro encampment upon the shore, there was certainly reason to fear that the Slave vessel had succeeded in disembarking her cargo, which the soldiers traced into the neighbouring bush, but that all their zeal and diligence, as also that of the chief Police Magistrate of the district, called "the Heimraad" (whom the Governor also ordered to inquire), had been unable to obtain any further information as to the Parties concerned in this transaction, or those in whose possession, custody, or power, the Negroes then were. I think it right to add, that we have had no Dutch man of war here since the beginning of last May, and that General De Veer declares his utter inability to prevent the continuance of a clandestine Slave Trade without one; and from the great length of coast which this Colony comprises, with the number of creeks distant from observation, I do not think, without active naval assistance, or the introduction of a Registry Act, similar to that in force in the British Colonies, that he could. It is true, indeed, that the Dutch men of war, stationed here during the Government of M. Vaillant, might (as far as the suppression of the Slave Trade was concerned) just as well have been away, because he never employed them in that service; but as the efficiency of such assistance depends entirely upon the Governor, by the constitution of the Dutch Colonial Governments, I am willing to hope that His present Excellency would make a better use of it.

I beg to take this opportunity of informing you, that Charles Beverley, the Slave-trader, who has been the principal subject of my late Despatches, and

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who lately made his escape from confinement, has again been taken and re-committed to the criminal gaol, but, from what I can learn, it appears that all idea of proceeding against him under the Dutch Abolition Laws, is now given up. I have only further to add, that I have again since his reception, renewed my proposal to the Governor of sending him with the witnesses for trial to an English Colony, as a subject of His Britannick Majesty, for a breach of the English Abolition Laws, which His Excellency continues to decline.

(Signed) CHRIS. EDW. LEFROY.

Joseph Planta, jun. Esq.
&c. &c. &c.

(*First Inclosure in No.* 89.)

Deposition of Cornelius O'Sullivan.

APPEARED personally before me, (Christopher Edward Lefroy, Judge of the Mixed Court for the suppression of the Slave Trade, established at Surinam, South America, on the part of His Britannick Majesty,) Cornelius O'Sullivan (sometimes called Charles Sullivan), lately serving as a Warrant Officer in His Britannick Majesty's Navy, who, being duly sworn, maketh oath and saith, that on or about the 6th day of September last he received from *Richard O'Ferrall, junior*, an inhabitant of this Colony, directions to take charge of a schooner belonging to the said Richard O'Ferrall, and proceed with her in the first place to Nickerie, and from thence to return back and beat up to windward as far as Devil's Island, in the neighbourhood of which he, this deponent, was to remain for some time, and be there governed by the directions which he would receive from a friend of the said Richard O'Ferrall, who would accompany him, this deponent, on board for the benefit of his health. And this deponent further saith, that he subsequently found the person so accompanying him on board the said schooner to be Edward O'Ferrall (the brother of the said Richard O'Ferrall, junior), who told him that he expected to meet somewhere in their course, with a brig and sloop, which would answer to this deponent's private signal of a white flag over a blue flag at the mizen, and that he, this deponent, must keep a good look out for them. And he, this deponent, upon his oath further saith, that he understood that he was to afford every assistance in his power to the said brig and sloop in the debarkation of their cargoes, or otherwise, as they might require, and carefully to avoid all other vessels. That he, this deponent did not fall in with the said brig and sloop, or either of them, as he was led to expect, but that he understood, and verily believes, the expected cargoes of the said brig and sloop, for which he was sent to look out and aid the debarkation of, were cargoes of contraband Negroes, and this deponent, on his oath, further saith, that he has reason to believe a brig belonging to Martinique, called *The Hermaphrodite*, has been for some days past, and is at present, laying off the mouth, or in the neighbourhood of the Wanny-lowanna creek in this Colony, with a cargo of two hundred and fifty, or three hundred and fifty, contraband Negroes, and also that a schooner left the Town of Paramaribo on the evening of Friday last, the fifth instant, with provision for the said brig, and to assist (as far as this deponent is informed and believes) in effecting a debarkation from the said brig of the said contraband Negroes.

(Signed) CORs. O'SULLIVAN,

On the 8th day of October 1822, the said Cornelius O'Sullivan was duly sworn to the truth of this Affidavit—Before me

(Signed) CHRIS. EDWD. LEFROY,
British Commissary Judge.

(*Second Inclosure in No.* 89.)

Captain Rich to C. E. Lefroy, Esq.

His Britannick Majesty's Sloop Bustard, at Sea, October 6, 1822, in Lat. 6. 6. N. Long. 54. 52. W.

SIR,

I HAVE to request you will lay the inclosed before His Excellency the Governor of Surinam, in order that he may take such measures as he may deem expedient for the discovery of the same.

I remain, Sir, &c.

(Signed) EDWINS RICH, Commander.

Christopher E. Lefroy, Esq.

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(*Third Inclosure in No. 89.*)

Captain Rich to C. E. Lefroy, Esq.

His Britannick Majesty's Sloop Bustard, at Sea, October 6, 1822,
in Lat 6. 6. N. Long. 54. 52. W.

SIR,

I BEG leave to inform you that, on the 6th instant, at 4 P M. I spoke a brigantine, under French colours, laying at an anchor, Warrappa Creek, bearing S. by W. four or five miles, said to be from Martinique, bound to Cayenne, which, from her appearance and a schooner hovering near her, I have every reason to suppose was engaged in the illegal Traffick in Slaves, as from the state of the weather nothing could have prevented her from proceeding to her said destination.

The said vessel is long and low, with a narrow white ribbon, rigged as a brig forward, with a schooner mainmast, with a small main-topsail and top-gallant-sail, with two guns mounted; and only six or seven men appeared on deck when I passed her.

I remain, Sir, &c.

(Signed) EDWINS RICH, Commander.

Christopher E. Lefroy, Esq.

No. 90.

Mr. Secretary Canning to Messrs. Lefroy and Lance.

GENTLEMEN, *Foreign Office, October 25, 1822.*

THE Despatch of Mr. Lefroy of the 2d of July 1822, addressed to the late Marquess of Londonderry, and inclosing a copy of a *Mode of Procedure* for the Mixed Court at Surinam, has been duly received.

I feel a difficulty in making observations upon this declaratory instrument, under the disadvantage of not being acquainted with the forms of process in the ordinary Courts of the Settlement, which may have influenced the judgment of the Commissioners in forming these Rules.

Under these difficulties I think it, however, right to remind you that, by the Regulations annexed to the Treaty, the proceedings are intended to be as summary as possible, and should therefore be continued *de die in diem*, under the sanction of the Judges, by minutes of the Court, recording the bringing in of instruments and proofs, and the prayers of the Parties in the simplest form: and I should hesitate to say, that the directions, as to memorials or replies, (Art. 8.)—as to the condemnation in costs, (Art. 3.)—as to the adjournments from three days to three days, (Art. 4.)—are Rules which appear the best adapted to the provisions of the Treaty.

A suggestion, similar to that in the sixteenth Article, had been already submitted for consideration by the Court at Sierra Leone; but it was deemed, on the whole, more expedient not to authorise a deduction from the proceeds of prizes, for the purposes of defraying the expences of the suit. The same principle will serve for a guide to you upon the point in question. Upon the remaining points, I have only at present to recommend to you that the spirit of these Rules should be adopted, in the way best calculated to prevent prolixity in the proceedings, or delay and expence to the Parties.

I am, &c.

(Signed) GEORGE CANNING.

The British Commissioners at Surinam.

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No. 91.

C. E. Lefroy, Esq. to Earl Bathurst.—(Received February 7, 1823.)

MY LORD, *Surinam, October 28, 1822.*

I HAVE had the honour to receive Your Lordship's Circular, dated August 14, 1822, signifying to me His Majesty's commands that until He should be pleased to appoint a Successor to the late Marquess of Londonderry, I should address my Despatches to Your Lordship.

Just before the receipt of Your Lordship's Letter (having previously heard of the very lamentable occurrence of the death of the noble Marquess), I had closed a Despatch to Mr. Planta, of some importance to the service in which I am engaged, containing copies of communications to me from a man of the name of *O'Sullivan*, and *Captain Edwins Rich*, of His Majesty's sloop Bustard, regarding an illicit debarkation of Slaves, and reporting, from conversation with the Governor, the result of an inquiry instituted by him, at my request, into the transaction.

I have now the honour to inclose to Your Lordship the copy of a Letter from His Excellency, received too late for my Despatch to Mr. Planta, which is merely a more formal communication of the result of the above inquiry, than that which His Excellency had before verbally made to me, but which, from its not being open to any doubts of mistake or inauthenticity as to information derived by me from conversation, I think it proper to put your Lordship in possession of.

I will only add that, so far from my agreeing with His Excellency in the concluding paragraph, my suspicions are entirely confirmed; and, from the circumstance of the Negro Camp, reported by his own Officer, I am convinced that a debarkation of contraband Negroes has been effected. Whether the interruption of his purposes by Captain Rich, and the apprehension of a seizure of the Negroes in consequence, by the Authorities here, induced the Master of the Slave-vessel to re-embark them, does not in the least alter the fact of which I have now put Your Lordship in possession of incontestable proof, viz. that contraband importations of Africans into this Colony, to an indefinite extent, continue to take place up to this day.

I have the honour to be, &c.

(Signed) CHRIS. EDWD. LEFROY.

The Right Hon. Earl Bathurst, K. G.
&c. &c. &c.

(Inclosure in No. 91.)

The Governor of Surinam to the British Commissary Judge.

(Translation.)

SIR, *Paramaribo, October 26, 1822.*

IMMEDIATELY after receiving the information which you communicated to me of a vessel under French colours, lying at anchor off Warappa Creek, which you had well-founded suspicions was endeavouring clandestinely to land Slaves; I despatched to the above Creek an Officer attached to the company of Colonial guides, with a party of troops, directing him to set on foot there the needful inquiry.

Accordingly, in consequence of the arrangement I had previously concerted with you, I now have the honour of acquainting you that I have received from the Officer charged with the Mission a report stating, "that on his arrival at Warappa Creek he took every means to procure "the necessary information, though without success, as he could not discover any particulars bear-"ing on the subject, or trace any vessel whatsoever, but that, on proceeding with his party along

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" the beach, he came to a spot where some wood was still left burning, and several fragments of sea
" biscuits scattered on the ground, while he was able to distinguish the footsteps of a number of per-
" sons walking barefoot, which marks having followed to some distance he at length lost, owing to
" the hardness of the ground, without being able to trace them further on; whereupon the Officer
" tried to procure intelligence from the Overseers of several Plantations: being again disap-
" pointed, it struck him that Negroes would be the most likely persons to hear of any fresh im-
" portation of their countrymen, and, acting on that presumption, he desired his men to seek
" privately to converse on the subject with the blacks employed in the Plantations. By these
" means he learned that a schooner which had been at anchor off the coast, had taken on board
" Negroes from a brig, had set them on shore in the vicinity of the very spot noticed by the
" Lieutenant, and had sent some of them to the Plantations of Goosen, and others to that of
" Esterslust."

This report I lost no time in transmitting to the Councillor, Commissioner of the Court of Police, and Colonial Justice, who is also invested with the Office of Inspector of the Dykes for the division of Matappica, requesting that he would order the Captain of that division to institute the strictest investigation into the matter, and also to cause the Negroes suspected to have been landed there to be apprehended and conveyed hither. The Captain in question sent two of his Lieutenants with their non-commissioned Officers to the Plantations of Goosen and Esterslust, enjoining them to satisfy themselves on the spot, whether, during the months of September and October, any fresh Negroes had been brought thither, and, if so, to seize them forthwith.

The result of the investigation was forwarded by the Captain of the division to the Inspector of the Dykes, and by him to me. It is to this effect, that in the plantations referred to, not only no trace of any new comers could be found, but that the Overseers declared that so far from receiving any fresh Negroes, said to have lately arrived, they had not so much as seen any.

It affords me pleasure, Sir, that the suspicion which you entertained has not been verified by the fact, as I now am also justified in withholding my belief from that portion of the Report transmitted by the Lieutenant, which relates to the information given by the Negroes of the Plantations. Indeed, Sir, you yourself cannot but have had frequent occasion to observe that the intelligence obtained from persons of that description carries very little weight with it.

I have the honour, &c.

C. E. Lefroy, Esq. (Signed) A. DE VEER.

No. 92.

Mr. Secretary Canning to Messrs. Lefroy and Lance.

GENTLEMEN, *Foreign Office, November* 1, 1822.

I LEARN by a communication from the Ambassador of The King of the Netherlands at this Court, that the Netherlands corvette *de Eendragt* (the Concord) of one hundred and fifty men and eighteen guns, Captain-Lieutenant *Schröder*, about to sail for the West Indies, will be furnished with a copy of the Treaty of the 4th May 1818, for repressing the Trade in Slaves, and of the several Documents thereunto annexed.

You will be so good as to communicate this information to the Board, of which you are Members.

I am, &c.

(Signed) GEORGE CANNING.

The British Commissioners, Surinam.

No. 93.

Mr. Secretary Canning to C. E. Lefroy, Esq.

SIR, *Foreign Office, November* 6, 1822.

I HAVE received your Letter of the 22d of August 1822, addressed to the late Marquess of Londonderry, and I have laid the same before The King.

I am to convey to you His Majesty's gracious permission for you to come

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to England, on the ground of ill-health, for the space of six months; the period of your voyage to and from Surinam not being included in that time.

You will not fail to make due and sufficient notification of your intended absence, both to the Board of which you are a Member, and also to the local Authorities of Surinam.

I am, &c.

(Signed) GEORGE CANNING.

C. E. Lefroy, Esq.

No. 94.

Mr. Secretary Canning to Messrs. Lefroy and Lance.

GENTLEMEN, *Foreign Office, November* 12; 1822.

IN reference to that part of the Despatch of Mr. Lefroy, dated the 10th of May, 1822, in which Mr. Lefroy requests instructions for his further guidance, in cases similar to that of *Charles Beverley*, who was accused of smuggling Slaves into the Colony of Surinam; I have to make to you the following Observations, for the direction of your conduct.

The demand conveyed in Mr. Lefroy's Letter of the 4th of May, 1822, addressed to the Fiscal at Paramaribo, extended far beyond the purport of the Note of Lord Clancarty of the 26th of February, 1821.

The Note of Lord Clancarty related only to cases established in proof on the authorized proceedings of the Commission. The case in question was of a nature to which the judicial duties of Mr. Lefroy did not extend; and the demand made could not be supported, as to an offence committed againt the Laws of the Colony.

In cases similar to that in question, you will be careful to limit your interference to the communicating information to the local Authorities, with a request, made, as it were, extra-officially, that the Laws of the Colony may be enforced against the Offenders. You will bear in mind that your functions as Judges and Arbitrators are limited to the jurisdiction specially established by Treaty, and that while you are properly and jealously alive to any infractions of the Treaty, there will be danger of publick inconvenience, if you should make your functions obnoxious to the local Authorities by allowing your attention to be diverted to objects that do not properly belong to you.

I am, &c.

(Signed) GEORGE CANNING.

The British Commissioners, Surinam.

No. 95.

Mr. Secretary Canning to Messrs. Lefroy and Lance.

GENTLEMEN, *Foreign Office, November* 26, 1822.

I HAVE received Mr. Lefroy's Despatch of the 20th of September 1822, addressed to the late Marquess of Londonderry.

With respect to that portion of it, which relates to *Charles Beverley*, accused of being concerned in illicit Slave-dealing; I have at present only to refer you to my Despatches of the 25th of September last, and of the 12th instant, upon this subject.

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In reference to the subject of the latter part of Mr. Lefroy's Despatch, I have to recommend you upon all occasions to keep strictly within the bounds of the Treaty, and of the Act of Parliament, which you are called upon to execute, lest the weight of your opinion, officially expressed, should lead to acts which His Majesty's Government might feel themselves called upon to disavow.

I am, &c.
(Signed) GEORGE CANNING.

The British Commissioners, Surinam.

No. 96.

Mr. Secretary Canning to Messrs. Lefroy and Lance.

GENTLEMEN, *Foreign Office, November 26, 1822.*

I SEND to you, for your information and guidance, the copy of a Despatch addressed on the 22d of February 1822, by The King's command, to His Majesty's Ambassador at the Hague, proposing, that the provisions of the Treaty of the 4th of May 1818, for the case of the death of one or more of the Commissioners, shall extend to the case of vacancies occurring in the Commission from illness, or leave of absence. 2dly, the copy of a Despatch, dated the 10th of May 1822, from His Majesty's Minister at the Hague, and of its Inclosure, stating the acquiescence of The King of the Netherlands in this proposition. And 3dly, the copy of an Instruction, which I addressed on the 30th of September 1822, by The King's command, to His Majesty's Ambassador at Brussels, inclosing the *Projet* of an additional Article for sanctioning in a more formal manner, the details of the arrangement in question.

So soon as any more specifick arrangement is agreed upon between the Parties, I shall lose no time in forwarding the same to you. In the meantime you will endeavour to come to an agreement with your fellow Commissioners to act in the spirit of the intended arrangement.

I am, &c.
(Singed) GEORGE CANNING.

The British Commissioners, Surinam.

No. 97.

C. E. Lefroy, Esq. to Mr. Secretary Canning.—(Received April 27, 1823.)

SIR, *Surinam, December 4, 1822.*

I HAVE the honour to acknowledge the receipt of your Letter of the 16th of September 1822, accompanied by one of the same date from The Right Honourable Earl Bathurst, acquainting me that His Majesty had been graciously pleased to appoint you to be His Principal Secretary of State for Foreign Affairs, and instructing me in future to address to you my Despatches and Letters on publick business.

I have the honour to be, &c.
(Signed) CHRIS. EDWD. LEFROY.

The Right Hon. George Canning,
&c. &c. &c.

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No. 98.

C. E. Lefroy, Esq. to Mr. Secretary Canning.—(Received March 6, 1823.)

SIR, *Surinam, December 23, 1822.*

I HAVE the honour to submit to you, inclosed, copy of a Letter just received from the Governor of Berbice, relating to a debarkation of five hundred Africans in this Colony, so late as last month, and of one addressed by me to the Governor of this Colony; but I have little hope of any efficient steps being taken in consequence. It is painful to me to be obliged to continue to impugn the Authorities here, at a period so long since the execution of the Treaty, but I should be trifling with you, Sir, and His Majesty's Government, if I did not repeat my conviction that, without much more energetick conduct on the part of those Authorities, the Slave Trade in this Colony will never be overcome.

I beg to acknowledge the receipt of your Despatch of the 25th September, and have the honour to be, &c.

(Signed) CHRIS. EDW. LEFROY.

The Right Hon. George Canning,
&c. &c. &c.

(*First Inclosure in No.* 98.)

The Governor of Berbice to C. E. Lefroy, Esq.

SIR, *King's House, Berbice, December 6, 1822.*

I HAD the honour of receiving your Letter of the 21st of November, conveying to me the satisfactory intelligence of the retaking of *Charles Beverley*, charged with Slave-trading.

I greatly lament to hear of the open and extensive manner in which the Slave Trade is still carried on upon the Coast of Surinam. I am informed by Captain Boyd, of the American schooner Olive Branch, which arrived here the 19th of November last, that his vessel was detained two days and a half by a large ship, with about five hundred new African Negroes on board, about twenty miles to windward of Bram's Point, and that he himself was compelled to go on board of the ship, when he was detained the whole of the above-mentioned time, and his boat employed in landing the Negroes, after which he was handsomely rewarded by the Captain of the ship, and suffered to proceed on his voyage.

This is the most flagrant case I have yet heard of, and I hope that the circumstances of it have come to your knowledge.

I have the honour to be, &c.

(Signed) HENRY BEARD,
Lieutenant-Governor of Berbice,

Christopher Edward Lefroy, Esq.

(*Second Inclosure in No.* 98.)

The British Commissary Judge to the Governor of Surinam.

SIR, *Paramaribo, December 23, 1822.*

THE inclosed is the copy of a Letter just received from the Governor of Berbice, which I lose not a moment in submitting to Your Excellency, in order that, by taking the proper steps (which no doubt you will) for the detection and punishment of the Parties concerned, you may satisfactorily vindicate this Colony and your Country from the imputations of bad faith, and utter indifference to all the prospective interests of the great family of man, to which the continuance of the transactions described in the inclosed must expose them in the eyes of all Europe.

The Slave-vessel is probably that to which Your Excellency some time since refused admittance into this river.

I shall send a copy of the inclosed by the first opportunity to my own Government, and likewise request the Governor of Berbice to endeavour to procure for me such further particulars from Cap-

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tain Boyd as may assist Your Excellency in the conviction of the atrocious scoundrels who thus persist in provoking the indignation, and defying the retributive justice, of their species and of God.

I have the honour, &c.

(Signed) CHRIS. EDW. LEFROY.

His Excellency Major General De Veer,
Governor General.

No. 99.

Mr. Secretary Canning to Messrs. Lefroy and Lance.

(Extract.) *Foreign Office, December 27, 1822.*

MR. LEFROY's Despatches up to the 23d September 1822, have been duly received.

His Majesty's Ambassador at the Court of The King of the Netherlands has been instructed, to request an explanation of the conduct of the Fiscal, in restoring to the Consignee the Negroes brought into Surinam by *Charles Beverley*, and to require that the Negroes may, (if not restored to liberty,) at least be taken into His Netherlands Majesty's service, till the matter of their legal importation be decided.

His Majesty's Ambassador has likewise been instructed to express a desire, that inquiries may be instituted, as to whether the escape of Beverley was favoured by any Persons in the employment of the Local Government, and whether any other British subject besides Beverley was concerned in the importation of Slaves, with which that Person was charged.

His Majesty's Government have perceived, with some satisfaction, that, amid Mr. Lefroy's representations of the supineness of the Colonial Authorities, there does not appear in his Despatch of September 20, 1822, or in the papers accompanying it, any suggestion that an importation of Slaves had actually occurred in Surinam, subsequent to the month of June 1821, and, except in respect to the omission of any offer of a reward for the apprehension of Beverley, the Governor's Proclamation, issued the day after his escape, appears to be sincerely framed with a view to the object of Beverley's recapture.

The establishment of a Registry for Slaves in the Colonies has been suggested to the Netherlands Government, as a measure well calculated to prevent their future importation; and His Majesty's Government hope, that the adoption of it may be found to be compatible with the policy and Regulations of the Netherlands Government at Surinam.

(Signed) GEORGE CANNING.

The British Commissioners, Surinam.

No. 100.

C.E. Lefroy, Esq. to Joseph Planta, jun. Esq.—(Received March 27, 1823.)

SIR, *Surinam, January 14, 1823.*

I HAD yesterday the honour to receive your Circular of the 10th of September last, with the accompanying copies of an humble Address which was presented to His Majesty, pursuant to a Resolution of the House of Commons

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of the 27th of June 1822, upon the subject of the Traffick in Slaves, for my information and guidance on occasions when that subject may come under my notice.

I have the honour to be, &c.

(Signed) CHRIS. EDW. LEFROY.

Joseph Planta, jun. Esq.
&c. &c. &c.

No. 101.

C. E. Lefroy, Esq. to Mr. Secretary Canning.—(Received March 27.)

SIR, *Surinam, January* 20, 1823.

I HAVE the honour to acknowledge the receipt of your two Despatches dated the 26th of November 1822, (the latter accompanied by copies of a Correspondence which has taken place with the Dutch Government, on a proposed extension of the Article of the Treaty for supplying vacancies in the Commission in case of death, to vacancies from illness or leave of absence,) and I shall take care to conform to the instructions which they severally contain.

Your Despatch of the 12th of November, referred to in the former of the two, which I have now the honour to acknowledge, has not yet come to hand.

I have the pleasure to announce to you, that Mr. Lance arrived here on the 6th instant, but was shortly after taken ill, which has hitherto prevented him from being sworn in, and is the reason of his not signing this Despatch. I am, however, happy to say, that he is now in a state of convalescence.

I have the honour to be, &c.

(Signed) CHRIS. EDW. LEFROY.

The Right Hon. George Canning.
&c. &c. &c.

No. 102.

C. E. Lefroy, Esq. to Mr. Secretary Canning.—(Received March 17.)

Surinam, January 25, 1823.

SIR,

I HAVE the honour to acknowledge the receipt of your Despatch of the 12th of November last, and I will be careful in future to govern my general official intercourse with the Local Authorrities, by the limits and directions therein prescribed.

I have the honour to be, &c.

(Signed) CHRIS. EDW. LEFROY.

The Right Hon. George Canning,
&c. &c. &c.

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No. 103.

C. E. Lefroy, Esq. to Mr. Secretary Canning.—(Received March 17.)

SIR, *Surinam, January 25, 1823.*

I HAVE the honour to acknowledge the receipt of your Letter of the 6th of November, conveying to me His Majesty's gracious permission for me to come to England on the ground of ill-health, for the space of six months, exclusive of the voyage backwards and forwards, and I hope, Sir, I am not unpardonably trespassing upon official formality in simply expressing, from the bottom of my heart, my gratitude for this indulgence, it being nothing less to me than a reprieve from death, or what is ten times worse, constitutional ruin.

I propose to leave this Colony about the end of April, or beginning of May, and will not fail to give due notification of my temporary departure to the Local Authorities, and the Board of which I am a member.

I have the honour to be, &c.

(Signed) CHRIS. EDWD. LEFROY.

The Right Hon. George Canning,
&c. &c. &c.

No. 104.

J. H. Lance, Esq. to Mr. Secretary Canning.—(Received March 17.)

SIR, *Surinam, January 27, 1823.*

I HAVE the honour to inform you that I arrived here on the 7th instant. In obedience to your commands I waited on Mr. Lefroy, and shewed him my Commission; I was introduced by him to the Netherland Commissioners, and to the Governor, before whom I this day took the requisite oaths, in the form prescribed; and I am now prepared to act in the discharge of my duties as Commissioner of Arbitration, on the occurrence of any case by which they may be called into exercise.

I have the honour to be, &c.

(Signed) J. H. LANCE.

The Right Hon. George Canning,
&c. &c. &c.

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EXTRACTS OF A DESPATCH

FROM THE

LORD LIEUTENANT OF IRELAND

TO

MR. SECRETARY PEEL,

WITH

COPIES OF THE INCLOSURES,

RELATIVE TO

The State of Ireland.

Presented to both Houses of Parliament by Command of His Majesty, April 16, 1823.

LONDON:

PRINTED BY R. G. CLARKE,

AT THE LONDON GAZETTE OFFICE, CANNON-ROW, WESTMINSTER.

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EXTRACTS OF A DESPATCH

FROM THE

LORD LIEUTENANT OF IRELAND

TO

MR. SECRETARY PEEL,

DATED

Dublin Castle, 8th April 1823.

WITH

COPIES OF THE INCLOSURES.

IN my Despatch, under date the 29th January 1823, I expressed my expectation (apparently justified by the improvement which had at that time taken place in the state of the Country) of a gradual approach towards a state of greater tranquillity and peace in the Southern Districts lately disturbed.

Subsequent events have disappointed that expectation, and during the month of March, the system of outrage and terror has been pursued in parts of the Province of Munster, with increased activity and vigour, and has reached other parts of the Country, which had been nearly exempt from disturbance.

The earliest information conveyed to me of any considerable increase of outrage in Munster, was the first weekly report in March, of the Police Magistrate in the County of Cork; from which it appeared, that during that period, five malicious conflagrations and twelve outrages of different descriptions had taken place within the District committed to his charge. From that period to the pressnt time, scarcely a night has elapsed in which within those Districts some house or property has not been destroyed by fire, or in which attempts have not been made by the Insurgents to enforce the penalties, previously denounced against all those who resist the authority of these desperate offenders.

Notwithstanding the most unremitting exertions on the part of the Military and the Police to intercept those by whom these crimes are committed, few persons have been apprehended. Conflagrations are so easily effected, even by one skilful offender, and the system of terror has been so firmly established on the minds of the Inhabitants of these Districts, that the detection of the crime is become a matter of extreme difficulty.

Early in the month of March, Lord Combermere, with my approbation, visited the principal Military Stations in Munster, and also conferred with the Magistrates in the vicinity of Doneraile, and in the disturbed Districts in that part of the County of Cork.

At his Lordship's suggestion, and at the desire of the Magistrates, a large additional force of Police (under the new Act) has been stationed in that Country, and the Military Force has been distributed in the manner best calculated to aid the restoration of order.

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It is a great satisfaction to me to be able to add, that the greatest cordiality subsists between the Military and the Magistracy, Gentry, and Inhabitants, and that Lord Combermere expresses his highest approbation of the condition and conduct of His Majesty's Troops in Munster.

In Limerick, which had been restored to tranquillity, instances of similar crimes have latterly appeared; and parts of the County of Clare have been so much agitated, as to require the application of the Insurrection Act to two of the Baronies which adjoin the County of Limerick. The state of that part of the Country, and the reasons which led to the Proclamation of these additional Baronies, are explained in the annexed extract of a Letter from Serjeant Torrens, and in the accompanying communication of Major Warburton, the Police Magistrate of the County of Clare.

An increased spirit of outrage has at the same time been manifested in parts of the County of Westmeath, and the Queen's County; and upon a review of the reports received from the other less agitated Counties of Ireland (with the exception of the Province of Ulster and part of Connaught) crimes of an insurrectionary character appear to be more frequent.

The causes of the sudden increase of this description of crime have not been sufficiently developed to enable me to furnish you with any determined judgment on that most interesting point.

The present mischief has been attributed to the greater maturity of that system of Combination for the destruction of Property, which has so long prevailed in Ireland: a temporary cause is stated to be the general expiration of Leases, which occurs at this period of the year, and which usually leads to acts of disturbance (if not of a more destructive character) against those who occupy the Farms from which previous Tenants have been ejected.

In the meanwhile, I am convinced that the wisdom of His Majesty's Government, and of Parliament, will not delay the renewal of the Insurrection Act. It is a painful but undeniable truth, that the mere circumstance of the unavoidable delay in the renewal of that Law, has been converted by the secret instigators of confusion, into an encouragement to the deluded populace of the South, who have been taught to believe that the Law will not be renewed; and that its restraints will no longer be opposed to the progress of their crimes.

Extract of a Letter from Serjeant Torrens, dated Limerick, 28th March, 1823.

I REGRET to be obliged to state, that within the last three weeks, frequent nightly burnings of Houses, Cattle, and Haggards, have taken place in this County, and particularly within the Liberties of the City, and the state of tranquillity which this District enjoyed (comparatively) during the Winter has been much interrupted. The Insurgents appear to proceed upon an organized system of exciting terror and preventing any transfer of property disagreeable to themselves, by means of conflagration, and I now feel it necessary strictly to put in force, as the only means of counteracting their designs, the provisions of the Act against persons apprehended abroad at night, or not found within their dwellings. On this principle there have been already some useful convictions, and in three cases there is every reason to believe that the persons who were actually concerned in the outrages have been punished:—The conviction on Thursday in the City Court of a person of the name of *Halloran*, a notorious leader amongst the disaffected, will, I trust, be attended with good results. I beg to convey through you, sir, my opinion to His Excellency, that I consider it of material consequence to the peace of the Country that the Bill for the continuing the Insurrection Act should be brought

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into the House at an early period of the Session. I am persuaded the certainty that the Act was to be continued, would have considerable effect in disconcerting the plans of the disaffected, and giving confidence to the loyal, and I know that the period of the Session, to which the discussion of the measure was postponed last year, was injurious.

I had intended to have addressed some observations to His Excellency on the necessity of continuing the Bill for a another year, even if the Country had remained reasonably tranquil; but the occurrences which have taken place since I had an interview with His Excellency, put all discussion, as to the propriety of its re-enactment, out of the question, and make it, in my judgment, imperative to re-enact the Law, and that speedily.

The want of Troops, which was felt so much during the Winter, prevents the supply of a sufficient number of men for Patroles, which are peculiarly necessary at this crisis.

COPY.

My Dear Sir, *Limerick, March* 18, 1823.

IT occurs to me that it might be agreeable to you that I should address you by letter, notwithstanding our personal conference on the subject of the Disturbances in the County of Clare, and I shall commence with the expression of my deep regret, that it should be necessary to make the representation which I have done to His Excellency the Lord Lieutenant, or that I should be forced to admit the opinion that it was necessary to apply to the Insurrection Act.

It has been my pride, that although in the midst of surrounding Disturbance for a considerable period, I had hitherto been able to preserve the Peace of my District, without resorting to a measure which I know the Constitutional feeling of His Excellency has a repugnance to, unless where it appears to be called for by imperious necessity.

I shall, as briefly as possible, detail to you my motives for forming an opinion on the necessity of the measure, and also the mode of proceeding, previous to the Memorial being sent up to the Lord Lieutenant.

It is unnecessary to detail the various Outrages which have occurred, and which you have seen the disposition to. I shall only observe, that another burning, on the same system, was perpetrated last night, in the neighbourhood of Six Mile Bridge, and Barony of Bunratty. The occupying Tenant of a Farm had given his holding up to Colonel O'Brien, and he sent a man in his employment to occupy the house, on yesterday evening; and in about three hours afterwards, the house was set on fire and consumed; the family fortunately escaped. My Police, and a party of the 93d Regiment, arrived there almost immediately; they could not see any person, nor could they save the premises. You are aware that the North Liberties of Limerick adjoin that part of the County of Clare, where these Outrages have occurred; and they have been comparatively quiet, since they have been proclaimed: there is no boundary but the legal one between those places; and as every exertion has been made to preserve tranquillity in that neighbourhood, without effect, I am induced to think that the only means left is to adopt this painful alternative.

It may be asked, why the Constabulary Bill has not been tried? And to this I answer, and may with confidence say, that no new Force of Police could be so efficient as those now in that County; their efficiency will, I am sure, be acknowledged by every gentleman in the County; and consequently, if they could not succeed, it is scarcely probable that others could

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be expected to do so. As I am exceedingly anxious that every possible latitude should be given to discussion on this subject in the County, I went to the Grand Jury Room immediately on their being sworn, and stated to them the situation of that District; I told them, that my object in doing so was that they might, whilst the County was assembled at Assizes, make every enquiry into the state of the County, and consider what could be done to restore order. They agreed to have a Meeting of the Grand Jury and Magistrates, on the Wednesday following, and to consider the matter again. On that day there was a very considerable discussion, and it was then resolved to give the legal notice for a Meeting to memorial the Lord Lieutenant. I must observe, that there was very great unwillingness indeed on the part of the Magistrates, to arrive at the conclusion; and that on their part, as well as my own, every thing has been done to warn the Peasantry of the consequence of their persevering in outrage. Several Meetings took place, and printed Notices were posted up, to assure them that the Magistrates would only be driven to this measure by their illegal proceedings.

In the interval since the Memorial went up, and the absence of any Outrage until last night, I was still anxious at least for postponement; and I asked two or three respectable and intelligent Magistrates confidentially, if they thought we might try to get on without the Proclamation; but their opinion was decidedly that they feared the People would think we were trifling with them; and as we had so repeatedly cautioned them, and they still persevered in defiance of our forbearance, they might think that there was some cause for the refusal; in truth, the only difference of opinion on the subject was as to the boundary of the proclaimed District. I am anxious to detail to you, by Letter, the leading circumstances of our Proceedings, in order that you may estimate how far they are consistent with my view of the case.

I fear you will think I have been too prolix, but on a subject which I know the Lord Lieutenant feels of deep importance, I think it better to err on the side of detail, than of conciseness. I will only add, that I approach this subject with feelings of great concern, and I trust His Excellency will not suppose that I would either relax in any effort to avert it, or that I would offer an opinion that I did not feel I had grounds for doing, on the most anxious and deliberate consideration.

Believe me, &c.

(Signed) GEORGE WARBURTON, C.M.

Printed by R. G. Clarke, at the London Gazette Office, Westminster.

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COPY AND EXTRACTS OF DISPATCHES

FROM THE

LORD LIEUTENANT OF IRELAND

TO

MR. SECRETARY PEEL,

WITH

THEIR INCLOSURES,

RELATIVE TO

The State of Ireland.

Presented to both Houses of Parliament by His Majesty's Command,
1823.

LONDON:

PRINTED BY R. G. CLARKE,

AT THE LONDON GAZETTE OFFICE, CANNON-ROW, WESTMINSTER.

(10.)

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LIST.

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COPY AND EXTRACTS OF DISPATCHES

FROM

THE LORD LIEUTENANT OF IRELAND

TO

MR. SECRETARY PEEL,

WITH

THEIR INCLOSURES.

No. 1.

Extract of a Letter from His Excellency the Lord Lieutenant of Ireland to the Right Honourable Robert Peel.—Dated Dublin Castle, April 27, 1823.

SINCE the date of my dispatches of the 9th and 11th of April, the detailed Reports of the state of the Country, with respect to internal disorder, have been regularly transmitted to Mr. Goulburn.

Adverting to those details, you will observe that, in Limerick and Clare, the number of outrages committed within that period of time is not considerable, and those Districts have appeared to be less disturbed than in the preceding month.

The North-Western Districts of the County of Cork continued nearly in the same state of disturbance, until the 17th of April, when a convict of the name of Hickey, (who seems to have been a Leader in the administration of secret oaths, and in the system of devastation which has prevailed in that County), suffered the penalty of the law at Doneraile.

Since the 17th of April, it is stated, that the vicinity of Doneraile has not suffered any violent disturbance of the public Peace.

Outrages, however, have occurred near the City of Cork, and particularly in the Liberties of that City.

Having accepted the resignation of Mr. Serjeant Lloyd, I have appointed Mr. Sergeant Torrens to preside at the Court of Special Sessions, under the Insurrection Act, in the County of Cork, and it was his intention to open the Court, at Cork, yesterday morning.

I have appointed Mr. Blackburne (a King's Counsel of considerable distinction), to succeed Mr. Sergeant Torrens in Limerick, where the Sessions, under the Insurrection Act, will commence on the 29th instant.

The defects existing in the state of the Police, within the Liberties of the City of Cork, cannot be effectually remedied, until I shall have received such an application from the Magistrates as shall enable me to act under the existing Laws: a suggestion to this effect has been addressed to the Magistrates, in reply to the Memorial, of which I inclose a copy. 7th April.

In other parts of Ireland no material increase of outrage has recently appeared. Such acts of violence as have occurred are stated in the Reports, which have been transmitted to Mr. Goulburn.

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(*Inclosure in No.* 1.)

To His Excellency Richard Marquess Wellesley, Lord Lieutenant General, and General Governor of Ireland.

May it please Your Excellency,

WE, the Magistrates of the County Cork, assembled at Cork, to carry into effect the provisions of the new Constabulary Act, feel it our duty to lay before Your Excellency, for the information of His Majesty's Government, the disturbed state of part of this county, together with the expression of our conviction that the spirit of insurrection is rapidly extending into parts of the county hitherto undisturbed.

We understand that our County Grand Jury, after the minutest investigation, have presented a sum of about £10,000 for damage sustained by Fire, destruction of Cattle, breaking Machinery, &c. And though the greater part of those outrages have been hitherto confined to a comparatively small portion of the county, yet we regret to say, there have been instances of crime connected with the system in various other districts.

It cannot be necessary to impress on Your Excellency the extent of suffering which has been inflicted by the persevering atrocity with which the Insurgents have perpetrated their work of destruction; many are now dependent altogether on the presentments which have been passed for their compensation, for all they can be deemed to possess; nor can we feel that property of any description is exempt from the influence of that spirit which unhappily prevails, and is directed against all property whatever.

By notices, posted and personally served, many have been obliged to abandon their farms: witnesses who have prosecuted, have done so, at personal risque; persons giving evidence at the present Assizes as to the value of property destroyed, have had their houses burned immediately on their return home: money has been extorted from several by personal threats, to support and carry on their plans: arms still continue to be plundered, and pikes forged to arm the disaffected.

We regret to state, that our exertions, aided by the vigorous co-operation of the Military, Police, and armed Associations, have hitherto been insufficient to counteract the designs of men, who have set all the constituted Authorities and the Law of the Land at defiance. We therefore feel ourselves imperiously called upon to state to Your Excellency, that whatever further measures may be adopted, they cannot be too promptly or vigorously carried into effect.

Signed, by desire of 100 Magistrates this Day assembled,

(Signed) DONERAILE,
Chairman.

Cork, 7th April 1823.

No. 2.

Extract of a Letter from the Lord-Lieutenant of Ireland to the Right Hon. Robert Peel, dated Dublin Castle, May 18, 1823.

FROM the 27th of April (the date of my last dispatch, relating to the internal state of the Provinces) to this day, the Reports transmitted to Mr. Goulburn will have acquainted you with the gradual diminution of the number of outrages committed in Cork, Limerick, and Clare.

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In the meanwhile, the Insurrection Act has been administered with vigour and apparent success by Mr. Serjeant Torrens, and Mr. Blackburne, in their respective districts; and they have been aided by the most cordial and active co-operation of the Magistrates.

Petty Sessions have been established, together with other improvements in the administration of the Law, and further measures are in contemplation, or in actual progress, with a view to unite the different local authorities, in a more systematic and regular course of action.

For a general view of the state of the County of Cork, I refer you to the inclosed letters from Mr. Serjeant Torrens, and Major Warburton; the Report from Mr. Blackburne (already forwarded to Mr. Goulburn) will afford a clear and satisfactory account of the condition of Limerick and Clare. May 14, 1823 1— 2— May 15, 1823

In other parts of Ireland, several outrages have been committed, especially at Armagh; these are detailed in the documents sent to Mr. Goulburn; they do not require any special remark.

(*First Inclosure in No. 2.*)

Extract of a Letter from Mr. Serjeant Torrens to William Gregory, Esq. dated Charleville, May 14, 1823.

(COPY.)

I BEG to state, for His Excellency's information, that I yesterday concluded my Sittings at this town.—There were fifteen cases for trial, and there were three convictions; viz. two for having concealed arms, and one for being absent from his dwelling, on the 11th of March; and there is every reason to believe that he was one of the party who fired on Major Maxwell and the Police, on that night.

In the progress of the trials, and in my opening Address to the People, many opportunities occurred of enforcing topics on their attention, which I trust may be attended with good results; and, although I am not sanguine, yet, I do not altogether despair. by pursuing steadily the system I have adopted, of detaching the Farmers from their forced allegiance to the Laws of the Conspirators and Insurgents.

I found at Charleville, as I have done every where in the county, the most cordial and zealous support from the Magistrates, and I have completed, with their assistance and perfect concurrence, the establishment of the Petty Sessions, in every district I have visited. I have reason to believe there has been a great cessation of outrage in those districts, and, by watching the commencement of them in others, I trust, the evil may be suppressed. —I inclose you, for His Excellency's particular attention and observation, a return of the number of persons brought before me for trial, during this my first circuit of the county, amounting, in all, to 103—as in No. 1. No. 2 shews the number of persons convicted, in all, 18, and their crimes. His Excellency will perceive there are but four cases of conviction for absence from dwellings, and the Convicts were persons of notorious character. It will be satisfactory also for me to state, that the whole of the convictions took place by the unanimous opinion of the Magistrates present at the trials, and with my perfect concurrence, and that there does not rest a doubt upon any one of them, either in point of law or point of fact. I shall now return from hence to Cork by the route by which I came, holding Sessions at Mallow and Fermoy, and traversing the disturbed districts a second time.

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(*Second Inclosure in No. 2.——No. 1.*)

County of Cork.

A Return of the several Persons Committed for Trial under the Insurrection Act, in the County of Cork, shewing how each Person was disposed of, from April 28, 1823, to May 14, same Year.

No.	Names.	Offences.	How disposed of.	Time and Place of Trial.
				1823.
1	John Ketcher....	delivering a threatening notice.	convicted	Cork, April 28,
2	Daniel Downey	found out of dwellings.	discharged on admonition	Cork, April 29,
3	Bart. Coughlan			
4	TimothySullivan			
5	John Heffernan ..	ditto	acquitted	ditto
6	Patrick Connell ...	ditto	ditto	ditto
7	Edward Barrett ..	ditto	convicted	ditto
8	William Ahern ...	ditto	acquitted	ditto
9	William Barman	unlawful assembly	convicted	ditto
10	Michael Cleary			
11	Wm. M'Mahon			
12	Patrick Hartigan			
13	Michl. Cockrane			
14	John Crowe....			
15	Cor. Buckley	retaining arms	discharged on admonition	Cork, April 30,
16	Cor. Morrissy....	out of dwelling	convicted	ditto
17	John Ryal... .	ditto	discharged on admonition	ditto
18	John Walsh....			
19	Bart. Sullivan ..			
20	William Heaphy			
21	John Linahan ..			
22	Thomas Connors	ditto	ditto	ditto
23	John Barrett...			
24	John Casey....			
25	Patrick Ryal...			
26	Patrick Roche..	ditto	ditto	ditto
27	Patrick Ridden .			
28	James Green .,.			
29	Fury Connell ..			
30	James Browne..			
31	Denis Roche...	ditto	ditto	ditto
32	John Clear.....			
33	Michael Daly ..			
34	Michael Sheehan			
35	Patrick Corbett .			
36	Richard Roache			
37	John White....			
38	Lawrence Green			
39	Patrick Casey ..			
40	Owen Dwyer ..			
41	Patrick Roche..			
42	John Carlly....			
43	Garret Roche ..			
44	Timothy Hanlon			
45	John Sheehan .			
46	Peter Barrett...			
47	Paul Barrett ...			
48	James Reordan .			

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No.	Names.	Offences.	How disposed of.	Time and Place of Trial.
				1823.
49	James O'Donnell..	out of dwelling	acquitted	Cork, April 30,
50	Christopher Power	ditto	discharged on admonition	ditto
51	John Healy....	ditto	acquitted	ditto
52	Willm. Sullivan			
53	John Mullins..	ditto	discharged on admonition	ditto
54	Elem Savage...			
55	James Smith....	ditto	ditto	ditto
56	Stephen Hart....	ditto	detained till Assizes	ditto
57	John Scannell....	ditto	discharged on admonition	Fermoy, May 3,
58	John Kenny...	ditto	acquitted	ditto
59	James Kenny..			
60	Michael Coffy....	ditto	discharged on admonition	ditto
61	Michael M'Daniel	ditto	ditto	ditto
62	Timothy Lurchane	ditto	convicted	ditto
63	William Regan ...	ditto	ditto	ditto, May 5,
64	Patrick Fowler....	tumultuous assembling	ditto	ditto
65	William Ridding..	out of dwelling.	acquitted	ditto
66	Denis Daly....	ditto	ditto	ditto
67	John Coughlan.			
68	Francis Kufe...			
69	Arthur Kufe...			
70	Patrick Gorman	ditto	discharged on admonition	ditto
71	John Cronin ..			
72	Calr. Carthy...			
73	Denis Hogan..			
74	James Curtin..	administering an unlawful oath	convicted	Mallow, May 7,
75	John Kent....			
76	Michael Mulcatry	ditto	ditto	ditto, May 8,
77	William Wallace..	absent from dwelling	acquitted	ditto
78	Michael Sullivan..	ditto	ditto	ditto
79	Michael M'Carthy	ditto	ditto	ditto
80	James Crudan....	ditto	ditto	ditto
81	Denis Casey.....	ditto	discharged admonished	ditto
82	Dvd. FitzGerald	ditto	acquitted	ditto
83	Cor. Shanahan..			
84	John Roche....			
85	David Roche...	tumultuous assembling	discharged on admonition	ditto, May 9,
86	Patrick Connor.			
87	Patrick Hennesy			
88	William Nagle.	being out of dwelling	ditto	ditto
89	John Goggin...			
90	Timothy Buckley	retaining arms	convicted	Charleville, May 12,
91	James Buckley.	ditto	acquitted	ditto
92	John Buckley..			
93	John Sheedy M'Namara...	absent from dwelling	convicted	ditto
94	Thomas Casey....	unlawful assembling	acquitted	ditto
95	Daniel Gleeson..	out of dwelling	ditto	ditto, May 13,
96	Jeremy M'Carthy.	ditto	ditto	ditto
97	Daniel Sheehan..	ditto	ditto	ditto
98	John Walsh.....	ditto	ditto	ditto

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No	Names.	Offences.	How disposed of.	Time and Place of Trial.
				1823.
99	Jeremiah Mullone	retaining ammunition	acquitted	Charleville, May 13,
100	Edmund Manigan	ditto	convicted	ditto
101	John Browne....	out of dwelling	acquitted	ditto
102	Thomas Curtin...	ditto	ditto	ditto
103	Edmund Smith...	tumultuous assembling	discharged on bail	Mallow, May 14,

(Signed) ABRAHAM CHATTERTON,
Dy. C. of Peace.

(*Third Inclosure in No. 2.*——No. 2.)

COUNTY OF CORK.

A Return of the several Persons convicted under the Insurrection Act, in the County of Cork, from April 28, 1823, to May 14, 1823.

No	Names.	Offences.	Time and Place of Trial.
1	John Ketcher.....	delivering a threatening notice.	Cork, April 28, 1823.
2	Edward Barrett.....	being absent from dwelling.	Cork, April 29, 1823.
3	William Barman....	unlawful assembly by day, with 200 persons.	Cork, April 29, 1823.
4	Michael Cleary....		
5	William M'Mahon .		
6	Patrick Hartigan....		
7	Michael Cockrane ..		
8	John Crowe.....		
9	Cornelius Moressy ...	seditious notice.	Cork, April 30, 1823.
10	Timothy Linahan	being absent from dwelling.	Fermoz, May 3, 1823.
11	William Regan	being absent from dwelling.	Fermoy, May 5, 1823.
12	Patrick Fowler	unlawful assembly.	Fermoy, May 5, 1823.
13	James Curtin	tendering an unlawful oath.	Mallow, May 7, 1823.
14	John Kent		
15	Michael Mulcatry	tendering an unlawful oath, making pikes.	Mallow, May 8, 1823.
16	Timothy Buckly.....	retaining arms.	Charleville, May 12, 1823
17	John Sheedy M'Namara	being absent from dwelling.	Charleville, May 12, 1823
18	Edmund Manigan	retaining arms.	Charleville, May 13, 1823

ABRAHAM CHATTERTO
Dy. C. P.

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(*Fourth Inclosure in No.* 2.)

Extract of a Letter from Major Warburton to William Gregory, Esq.— dated Mallow, May 15, 1823.

I HAVE the honour to state, for the information of his Excellency the Lord Lieutenant, that I rejoined Mr. Serjeant Torrens, at Charleville, on the 12th instant, and attended at two sittings of the Special Sessions at that place. I wish to report to you, on the subject for two reasons,—one is, that, as there was no Reporter there from the Press, you may not be apprized of the proceedings; and the other, because I am of opinion that more important matter was elicited in the course of the Trials, and, as far as I could judge, a stronger Impression made on the Populace than at any Sitting I ever attended. I hope that the operation of the Law has made a powerful effect, and could hardly imagine that so much could be achieved in so short a time: there is no doubt that the outrages have considerably decreased;—and as far as one can judge of the extraordinary and uncertain proceedings and disposition of the disaffected, I am inclined to think that they have been paralized by the proceedings which have taken place.—It was highly important to carry the authority of the Law into the neighbourhood of Charleville, as it has been the principal seat of the disturbances, and was not before a place for Sessions.—It was quite manifest that the Addresses of Serjeant Torrens, which he took every opportunity of making to the assembled crowds, have a very great effect, and the example of three very useful and unanimous convictions was also deeply felt. In the course of these Trials several decent Farmers were produced to give the Prisoners good characters: but on their cross-examination by the Serjeant, it appears that they were absolutely compelled to come forward by intimidation, and that they were in such thraldom, that they have been almost invariably forced to give their money and substance when called for, and even to employ the very worst characters in their labour and in their houses. I think this is at an end, and that the Farmers will now rally. There was also an instance of a very respectable Gentleman, who came forward in the same way,—and on the Magistrates retiring to deliberate, it was mentioned to Serjeant Torrens, that this Gentleman had witnessed a tumultuous assembly, and knew some of the parties; the Serjeant immediately returned into Court, and had the Gentleman recalled, and in his re-examination of him shewed the Farmers and the people that there should be no respect of persons, and that every man should be forced to come forward and assist in enforcing the Laws, let his circumstances be what they might. He then directed that he should lodge Informations and attend to prosecute at the next Sessions, which it is his determination to hold at Charleville for that purpose.

No. 3.

(COPY.)

SIR, *Dublin Castle, May* 20, 1823.

IN continuation of the subject of my dispatch, dated the 18th instant, I have the honour to inclose a copy of a letter from Mr. Blackburne, dated the 19th instant, to which I request your particular attention. 1.

I have, &c. &c.

(Signed) WELLESLEY.

The Right Hon. Robert Peel.

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(Inclosure in No. 3.)

(COPY)

Extract of a Letter from Francis Blackburne, Esq. dated Limerick, May 19, 1823, addressed to William Gregory, Esq.

I HAVE to state, for his Excellency's information, that the Court of Special Sessions for the county of Limerick has sat four days during the last week; on Tuesday the 13th, at Rathkeal, on Thursday and Friday the 15th and 16th, at Bruff, and on Saturday the 17th, at Limerick; at Rathkeal four persons were tried, of whom one was convicted and three acquitted. The district in which Rathkeal is situated, comprehending the baronies of the Condons, and extending to the boundaries of the Counties of Kerry and Cork, appears to have been the part of this County in which the spirit of insubordination has been most prevalent; I have therefore endeavoured to ascertain to what extent it has yielded to the measures adopted for its suppression: the result of my inquiries has satisfied me, that the important object of prevention, has in a great measure been obtained, and that, though a considerable majority of the population of the country has been sworn to confederate for some purpose or object, the precise nature of which I cannot ascertain, yet that the advancement of any such object or purpose is felt to be impracticable, so long as it is opposed by the efficient execution of the Insurrection Act. Very few outrages have occurred since my arrival in this county, and the shortness of the nights and the general employment of the lower orders of the people, warrant an expectation, that the Rathkeal district will for some time enjoy a a comparative state of quiet. The Sessions of Bruff were numerously attended by the Magistrates, and I am willing to hope that holding a Court there, is likely to be followed by beneficial results. Two persons were convicted who appeared to have been of the party by which the village of Glanasheen was attacked on the 29th of April; the case made by them was, that of an alibi, in support of which several witnesses were examined. The conviction under such circumstances, founded as I think it was on the clearest and most satisfactory ground, is calculated to be productive of the most salutary consequences; it is not unimportant to observe, that in this, and in several cases of manifest guilt, the most ingenious efforts, and I regret to say, in some of those cases, the grossest perjury have been resorted to by the prisoners in their defence.

This anxiety to escape, evinced by persons of the worst characters, seems very little reconcileable with the notion that the punishment of Transportation has lost its influence, or that it is generally disregarded. Four persons were tried and acquitted at Bruff. With respect to the state of this country in the neighbourhood of Bruff, I can speak favourably; the outrage at Glanasheen appears to have been committed by a body of Incendiaries, collected principally in the county of Cork. There was but one case tried at Limerick on Saturday; this was a conviction, after an elaborate defence, sustained by evidence totally unworthy of credit.

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GENERAL ALPHABETICAL

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OF

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